

House Amendment 8643

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1 1 Amend the House amendment, S=5383, to Senate File
1 2 2298, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 1, by inserting after line 4 the
1 5 following:
1 6 <#____. Page 2, by striking lines 9 through 20.>
1 7 #2. Page 1, by striking lines 5 through 26 and
1 8 inserting the following:
1 9 <#____. Page 2, line 30, by striking the figure
1 10 <1,950,000> and inserting the following: <1,889,610>.
1 11 #____. Page 2, line 33, by striking the figure
1 12 <1,950,000> and inserting the following:
1 13 <1,889,610>.>
1 14 #3. Page 2, line 17, by striking the word
1 15 and inserting the following: .
1 16 #4. Page 2, line 18, by striking the word
1 17 and inserting the following: .
1 18 #5. Page 2, by striking lines 22 through 45.
1 19 #6. Page 3, by striking lines 8 through 10.
1 20 #7. By striking page 3, line 25, through page 9,
1 21 line 3.
1 22 #8. Page 12, by striking lines 22 through 25 and
1 23 inserting the following: 1 24 section.>>
1 25 #9. Page 13, by striking lines 38 through 40 and
1 26 inserting the following: >
1 27 #10. Page 28, by striking lines 8 through 24 and
1 28 inserting the following:
1 29 <2. ~~Six~~ Eight commissioners shall be honorably
1 30 discharged members of the armed forces of the United
1 31 States. The American legion of Iowa, disabled
1 32 American veterans department of Iowa, veterans of
1 33 foreign wars department of Iowa, American veterans of
1 34 World War II, Korea, and Vietnam, the Vietnam veterans
1 35 of America, and the military order of the purple
1 36 heart, through their department commanders, shall
1 37 submit two names respectively from their organizations
1 38 to the governor. The adjutant general and the Iowa
1 39 affiliate of the reserve officers association shall
1 40 submit names to the governor of persons to represent
1 41 the Iowa national guard and the association. The
1 42 governor shall appoint from the group of names
1 43 submitted by the adjutant general and reserve officers
1 44 association two representatives and from each of the
1 45 other organizations one representative to serve as a
1 46 member of the commission, unless the appointments
1 47 would conflict with the bipartisan and gender balance
1 48 provisions of sections 69.16 and 69.16A. In addition,
1 49 the governor shall appoint one member of the public,
1 50 knowledgeable in the general field of veterans
2 1 affairs, to serve on the commission.>>
2 2 #11. Page 28, line 30, by inserting after the word
2 3 the following: 2 4 who served in the armed forces of the United States
2 5 and was honorably discharged, and is>.
2 6 #12. Page 30, lines 13 and 14, by striking the
2 7 words <the year preceding> and inserting the
2 8 following: .
2 9 #13. Page 42, line 8, by striking the figure <21.>
2 10 and inserting the following: <21 and inserting the
2 11 following:
2 12
2 13 REBUILD IOWA INFRASTRUCTURE FUND
2 14 Sec. _____. There is appropriated from the rebuild
2 15 Iowa infrastructure fund to the following departments
2 16 and agencies for the designated fiscal years, the
2 17 following amounts, or so much thereof as is necessary,
2 18 to be used for the purposes designated:
2 19 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
2 20 a. For routine maintenance of state buildings and
2 21 facilities, notwithstanding section 8.57, subsection
2 22 5, paragraph "c":
2 23 FY 2004=2005..... \$ 2,000,000
2 24 b. For relocation costs directly associated with
2 25 remodeling projects on the capitol complex and for
2 26 facility lease payments for the department of

2 27 corrections, the Iowa department of public health, and
 2 28 the department of public safety, notwithstanding
 2 29 section 8.57, subsection 5, paragraph "c":
 2 30 FY 2004=2005..... \$ 2,271,617
 2 31 c. For technology improvement projects,
 2 32 notwithstanding section 8.57, subsection 5, paragraph
 2 33 "c":
 2 34 FY 2004=2005..... \$ 1,861,496
 2 35 Of the amount appropriated in this lettered
 2 36 paragraph, \$288,496 is allocated to maintain and
 2 37 operate the enterprise warehouse technology project
 2 38 and \$73,000 is allocated to the division of criminal
 2 39 and juvenile justice planning of the department of
 2 40 human rights for 1.00 full-time equivalent position to
 2 41 provide support for the justice data warehouse
 2 42 technology project.
 2 43 d. For major renovation and major repair needs,
 2 44 including health, life, and fire safety needs, and for
 2 45 compliance with the federal Americans With
 2 46 Disabilities Act, for state buildings and facilities
 2 47 under the purview of the department:
 2 48 FY 2004=2005..... \$ 4,300,000
 2 49 (1) Of the amount appropriated in this lettered
 2 50 paragraph, up to \$375,000 may be used for costs
 3 1 associated with project management services in the
 3 2 division of design and construction within the general
 3 3 services enterprise of the department, notwithstanding
 3 4 section 8.57, subsection 5, paragraph "c".
 3 5 (2) Of the amount appropriated in this lettered
 3 6 paragraph, \$200,000 may be used for costs associated
 3 7 with the vertical infrastructure program,
 3 8 notwithstanding section 8.57, subsection 5, paragraph
 3 9 "c".
 3 10 e. For costs associated with the remodeling of the
 3 11 records and property center:
 3 12 FY 2004=2005..... \$ 5,000,000
 3 13 FY 2005=2006..... \$ 4,700,000
 3 14 f. For accent lighting systems for the soldiers
 3 15 and sailors monument and the Allison monument on the
 3 16 capitol complex:
 3 17 FY 2004=2005..... \$ 35,000
 3 18 g. For capitol interior restoration:
 3 19 FY 2004=2005..... \$ 1,770,000
 3 20 h. For costs associated with the purchase of
 3 21 laboratory equipment for and the maintenance and
 3 22 operation of the state laboratories facility located
 3 23 in Ankeny, notwithstanding section 8.57, subsection 5,
 3 24 paragraph "c":
 3 25 FY 2004=2005..... \$ 355,500
 3 26 2. DEPARTMENT FOR THE BLIND
 3 27 For the remodeling of the orientation center:
 3 28 FY 2004=2005..... \$ 67,000
 3 29 3. STATE BOARD OF REGENTS
 3 30 For maintenance at the Iowa school for the deaf and
 3 31 the Iowa braille and sight saving school:
 3 32 FY 2004=2005..... \$ 500,000
 3 33 4. DEPARTMENT OF CORRECTIONS
 3 34 a. For costs of entering into a lease=purchase
 3 35 agreement to connect the electrical system supporting
 3 36 the special needs unit at Fort Madison:
 3 37 FY 2004=2005..... \$ 333,168
 3 38 b. For construction of a community-based
 3 39 correctional facility, including district offices, in
 3 40 Davenport:
 3 41 FY 2004=2005..... \$ 3,000,000
 3 42 FY 2005=2006..... \$ 3,750,000
 3 43 FY 2006=2007..... \$ 3,750,000
 3 44 It is the intent of the general assembly that the
 3 45 department of management allocate the entire
 3 46 appropriation for the fiscal year beginning July 1,
 3 47 2006, to the department of corrections by July 31,
 3 48 2006.
 3 49 5. DEPARTMENT OF CULTURAL AFFAIRS
 3 50 a. For historical site preservation grants, to be
 4 1 used for the restoration, preservation, and
 4 2 development of historical sites:
 4 3 FY 2004=2005..... \$ 500,000
 4 4 Historical site preservation grants shall only be
 4 5 awarded for projects which meet the definition of
 4 6 "vertical infrastructure" in section 8.57, subsection
 4 7 5, paragraph "c".

4 8 In making grants pursuant to this lettered
4 9 paragraph, the department shall consider the existence
4 10 and amount of other funds available to an applicant
4 11 for the designated project. A grant awarded from
4 12 moneys appropriated in this lettered paragraph shall
4 13 not exceed \$100,000 per project. Not more than two
4 14 grants may be awarded in the same county.

4 15 b. For continuation of the project recommended by
4 16 the Iowa battle flag advisory committee to stabilize
4 17 the condition of the battle flag collection,
4 18 notwithstanding section 8.57, subsection 5, paragraph
4 19 "c":

4 20 FY 2004=2005..... \$ 100,000

4 21 6. DEPARTMENT OF ECONOMIC DEVELOPMENT

4 22 a. For accelerated career education program
4 23 capital projects at community colleges that are
4 24 authorized under chapter 260G and that meet the
4 25 definition of "vertical infrastructure" in section
4 26 8.57, subsection 5, paragraph "c":

4 27 FY 2004=2005..... \$ 5,500,000

4 28 The moneys appropriated in this paragraph shall be
4 29 allocated equally among the community colleges in the
4 30 state. If any portion of the equal allocation to a
4 31 community college is not obligated or encumbered by
4 32 April 1, 2005, the unobligated and unencumbered
4 33 portions shall be available for use by other community
4 34 colleges.

4 35 b. For sole source grant costs associated with the
4 36 hosting of the national special Olympics in Iowa by a
4 37 special Olympics nonprofit entity, notwithstanding
4 38 section 8.57, subsection 5, paragraph "c":

4 39 FY 2004=2005..... \$ 500,000

4 40 c. To provide a grant for the planning, design,
4 41 and construction of a not-for-profit family
4 42 recreational facility that will also include a cardiac
4 43 rehabilitation center and a family indoor aquatic
4 44 center and which will be located in a county with a
4 45 population between 150,000 and 185,000:

4 46 FY 2004=2005..... \$ 200,000

4 47 d. To be used for the Iowa Lewis and Clark
4 48 bicentennial commission established pursuant to
4 49 section 15.221, notwithstanding section 8.57,
4 50 subsection 5, paragraph "c":

5 1 FY 2004=2005..... \$ 50,000

5 2 7. DEPARTMENT OF EDUCATION

5 3 a. To provide resources for structural and
5 4 technological improvements to local libraries and for
5 5 the enrich Iowa program, notwithstanding section 8.57,
5 6 subsection 5, paragraph "c":

5 7 FY 2004=2005..... \$ 600,000

5 8 Funds allocated for purposes of the enrich Iowa
5 9 program as provided in this lettered paragraph shall
5 10 be distributed by the division of libraries and
5 11 information services to provide support for Iowa's
5 12 libraries.

5 13 b. For maintenance and lease costs associated with
5 14 part III connections, notwithstanding section 8.57,
5 15 subsection 5, paragraph "c":

5 16 FY 2004=2005..... \$ 2,727,000

5 17 c. For costs associated with the remodeling of the
5 18 Jessie Parker building:

5 19 FY 2004=2005..... \$ 303,632

5 20 d. For allocation to the public broadcasting
5 21 division for costs of installation of digital and
5 22 analog television for Iowa public television
5 23 facilities, notwithstanding section 8.57, subsection
5 24 5, paragraph "c":

5 25 FY 2004=2005..... \$ 8,000,000
5 26 FY 2005=2006..... \$ 8,000,000
5 27 FY 2006=2007..... \$ 2,300,000

5 28 8. DEPARTMENT OF HUMAN SERVICES

5 29 To provide a grant for the planning, design, and
5 30 construction of a residential treatment facility for
5 31 youth with emotional and behavioral disorders located
5 32 in a central Iowa county with a population of
5 33 approximately 80,000:

5 34 FY 2004=2005..... \$ 250,000

5 35 9. IOWA STATE FAIR AUTHORITY

5 36 For vertical infrastructure projects on the state
5 37 fairgrounds:

5 38 FY 2004=2005..... \$ 250,000

5 39 For purposes of this subsection, "vertical
5 40 infrastructure" means the same as defined in section
5 41 8.57, subsection 5, paragraph "c".
5 42 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE
5 43 UNIVERSITY OF NORTHERN IOWA
5 44 For the Iowa safe surfacing initiative,
5 45 notwithstanding section 8.57, subsection 5, paragraph
5 46 "c":
5 47 \$ 500,000
5 48 Not more than 2.5 percent of the funds appropriated
5 49 in this subsection shall be used by the national
5 50 program for playground safety for administrative costs
6 1 associated with the Iowa safe surfacing initiative.
6 2 The crumb rubber playground tiles for the
6 3 initiative shall be international play equipment
6 4 manufacturers association (IPEMA)=certified to the
6 5 American society for testing and materials (ASTM)
6 6 F1292 standard.

6 7 11. DEPARTMENT OF NATURAL RESOURCES
6 8 For costs associated with the planning, design, and
6 9 construction of a premier destination state park,
6 10 notwithstanding section 8.57, subsection 5, paragraph
6 11 "c":
6 12 FY 2004=2005..... \$ 500,000

6 13 12. DEPARTMENT OF PUBLIC DEFENSE
6 14 a. For planning, design, and construction of a
6 15 national guard readiness center in or near Iowa City:
6 16 FY 2004=2005..... \$ 2,150,000
6 17 b. For maintenance and repair of national guard
6 18 armories and facilities:
6 19 FY 2004=2005..... \$ 1,269,636
6 20 c. For construction of a new national guard armory
6 21 at Boone:
6 22 FY 2004=2005..... \$ 1,096,000

6 23 13. DEPARTMENT OF PUBLIC SAFETY
6 24 a. For capitol building and judicial building
6 25 security, notwithstanding section 8.57, subsection 5,
6 26 paragraph "c":
6 27 FY 2004=2005..... \$ 800,000
6 28 b. For capitol complex security notwithstanding
6 29 section 8.57, subsection 5, paragraph "c":
6 30 FY 2004=2005..... \$ 300,000
6 31 c. For costs of entering into a lease=purchase
6 32 agreement to upgrade the automated fingerprint
6 33 identification system, notwithstanding section 8.57,
6 34 subsection 5, paragraph "c":
6 35 FY 2004=2005..... \$ 550,000
6 36 d. For costs associated with improvements to
6 37 Iowa's electronic criminal information records system
6 38 to comply with national crime information center
6 39 standards, notwithstanding section 8.57, subsection 5,
6 40 paragraph "c":
6 41 FY 2004=2005..... \$ 500,000
6 42 e. To the division of fire safety of the
6 43 department for allocation to the fire service training
6 44 bureau for the planning, design, and construction of
6 45 regional training facilities in the state:
6 46 FY 2004=2005..... \$ 150,000
6 47 f. To the division of fire safety of the
6 48 department for allocation to the fire service training
6 49 bureau to be used for the revolving loan program for
6 50 equipment purchases by local fire departments, not
7 1 withstanding section 8.57, subsection 5, paragraph
7 2 "c":
7 3 FY 2004=2005..... \$ 500,000

7 4 14. STATE DEPARTMENT OF TRANSPORTATION
7 5 a. For operation and maintenance of the network of
7 6 automated weather observation and data transfer
7 7 systems associated with the Iowa aviation weather
7 8 system, the runway marking program for public
7 9 airports, the windsock program for public airports,
7 10 and the aviation improvement program, notwithstanding
7 11 section 8.57, subsection 5, paragraph "c":
7 12 FY 2004=2005..... \$ 500,000
7 13 b. For vertical infrastructure improvements at the
7 14 commercial air service airports within the state:
7 15 FY 2004=2005..... \$ 1,100,000
7 16 One-half of the funds appropriated in this lettered
7 17 paragraph shall be allocated equally between each
7 18 commercial service airport, 40 percent of the funds
7 19 shall be allocated based on the percentage that the

7 20 number of enplaned passengers at each commercial
7 21 service airport bears to the total number of enplaned
7 22 passengers in the state during the previous fiscal
7 23 year, and 10 percent of the funds shall be allocated
7 24 based on the percentage that the air cargo tonnage at
7 25 each commercial service airport bears to the total air
7 26 cargo tonnage in the state during the previous fiscal
7 27 year. In order for a commercial service airport to
7 28 receive funding under this lettered paragraph, the
7 29 airport shall be required to submit applications for
7 30 funding of specific projects to the department for
7 31 approval by the state transportation commission.

7 32 c. For a vertical infrastructure improvement grant
7 33 program for improvements at general aviation airports
7 34 within the state:

7 35 FY 2004=2005..... \$ 581,400

7 36 15. OFFICE OF TREASURER OF STATE

7 37 For county fair infrastructure improvements for
7 38 distribution in accordance with chapter 174 to
7 39 qualified fairs which belong to the association of
7 40 Iowa fairs:

7 41 FY 2004=2005..... \$ 1,060,000

7 42 16. COMMISSION OF VETERANS AFFAIRS

7 43 For deposit in the veterans trust fund established
7 44 in section 35A.13, notwithstanding section 8.57,
7 45 subsection 5, paragraph "c":

7 46 FY 2004=2005..... \$ 1,000,000

7 47 Of the amount appropriated in this subsection,
7 48 notwithstanding contrary provisions of section 35A.13,
7 49 \$500,000 is appropriated to and shall be used by the
7 50 commission of veterans affairs for the establishment
8 1 and operation of a veterans cemetery as required by
8 2 section 35A.3, subsection 14, if enacted by this Act.
8 3 Notwithstanding section 8.33, moneys appropriated in
8 4 this unnumbered paragraph that remain unencumbered or
8 5 unobligated at the close of the fiscal year shall not
8 6 revert but shall remain available for expenditure for
8 7 the purposes designated until the close of the
8 8 succeeding fiscal year or when the project is
8 9 completed, whichever is later.

8 10 Sec. ____ . PAYMENTS IN LIEU OF TUITION. There is
8 11 appropriated from the rebuild Iowa infrastructure fund
8 12 to the state board of regents for the fiscal year
8 13 beginning July 1, 2004, and ending June 30, 2005, the
8 14 following amount, or so much thereof as may be
8 15 necessary, to be used for the purpose designated:

8 16 For allocation by the state board of regents to the
8 17 state university of Iowa, the Iowa state university of
8 18 science and technology, and the university of northern
8 19 Iowa to reimburse the institutions for deficiencies in
8 20 their operating funds resulting from the pledging of
8 21 tuitions, student fees and charges, and institutional
8 22 income to finance the cost of providing academic and
8 23 administrative buildings and facilities and utility
8 24 services at the institutions, notwithstanding section
8 25 8.57, subsection 5, paragraph "c":
8 26 \$ 858,764

8 27 Sec. ____ . REVERSION. Notwithstanding section
8 28 8.33, moneys appropriated from the rebuild Iowa
8 29 infrastructure fund in this division of this Act shall
8 30 not revert at the close of the fiscal year for which
8 31 they were appropriated but shall remain available for
8 32 the purposes designated until the close of the fiscal
8 33 year that begins July 1, 2007, or until the project
8 34 for which the appropriation was made is completed,
8 35 whichever is earlier. This section does not apply to
8 36 the sections in this division of this Act that were
8 37 previously enacted and are amended in this division of
8 38 this Act.

8 39 Sec. ____ . 2003 Iowa Acts, chapter 177, section 6,
8 40 subsection 2, is amended to read as follows:

8 41 2. For costs associated with the ~~planning for the~~
8 42 ~~vacation and demolition disposition~~ of the Wallace
8 43 building:

8 44 \$ 50,000

8 45 The amount appropriated in this subsection shall be
8 46 used to conduct a complete evaluation and analysis
8 47 regarding the condition of the Wallace building,
8 48 including structural, mechanical, and environmental
8 49 systems and building air quality, and to make a
8 50 recommendation to the general assembly no later than

9 1 January 31, 2005, as to whether the Wallace building
9 2 should be renovated for future use or vacated and
9 3 demolished. The recommendation shall include cost
9 4 estimates for renovation of the building and for its
9 5 demolition.

9 6 Sec. _____. 2003 Iowa Acts, chapter 177, section 14,
9 7 is amended to read as follows:

9 8 SEC. 14. REVERSION. Notwithstanding section 8.33,
9 9 moneys appropriated in this division of this Act shall
9 10 not revert at the close of the fiscal year for which
9 11 they were appropriated but shall remain available for
9 12 the purposes designated until the close of the fiscal
9 13 year that begins July 1, ~~2006~~ 2007, or until the
9 14 project for which the appropriation was made is
9 15 completed, whichever is earlier.

9 16 Sec. _____. 2003 Iowa Acts, chapter 179, section
9 17 140, is amended to read as follows:

9 18 SEC. 140. Notwithstanding section 8.33,
9 19 unencumbered and unobligated funds remaining from the
9 20 appropriation made in 1996 Iowa Acts, chapter 1218,
9 21 section 13, subsection 2, paragraph "a", subparagraph
9 22 (2), as amended by 1997 Iowa Acts, chapter 215,
9 23 section 3, and from the appropriation made in 1997
9 24 Iowa Acts, chapter 215, section 4, subsection 1, shall
9 25 not revert but shall be available for the purposes
9 26 designated in those provisions until the close of the
9 27 fiscal year beginning July 1, ~~2003~~ 2004.

9 28 Of the amount of unencumbered and unobligated funds
9 29 identified in this section, \$180,000 shall be used for
9 30 the purposes described in 2003 Iowa Acts, chapter 177,
9 31 section 6, subsection 2, as amended by this 2004 Act.

9 32 Sec. _____. 2002 Iowa Acts, chapter 1173, section
9 33 18, as amended by 2003 Iowa Acts, chapter 179, section
9 34 39, is amended to read as follows:

9 35 SEC. 18. POOLED TECHNOLOGY FUNDING == PRIOR
9 36 ALLOCATIONS == NONREVERSION. Notwithstanding section
9 37 8.33, moneys appropriated and allocated in 2001 Iowa
9 38 Acts, chapter 189, section 5, subsection 1, which
9 39 remain unobligated or unexpended at the close of the
9 40 fiscal year for which they were appropriated shall not
9 41 revert, but shall remain available for expenditure for
9 42 the purposes for which they were appropriated and
9 43 allocated, for the fiscal period beginning July 1,
9 44 2002, and ending June 30, ~~2004~~ 2005. Notwithstanding
9 45 the expenditure limitation in this section, the

9 46 information technology enterprise within the
9 47 department of administrative services may expend
9 48 available moneys in the pooled technology account
9 49 established in the office of the treasurer of state to
9 50 complete the comprehensive study required under 2003

10 1 Iowa Acts, chapter 145, section 290, subsection 2,
10 2 paragraph "c".

10 3 Sec. _____. 2000 Iowa Acts, chapter 1225, section 2,
10 4 as amended by 2001 Iowa Acts, chapter 185, section 2,
10 5 is amended to read as follows:

10 6 SEC. 2. There is appropriated from the rebuild
10 7 Iowa infrastructure fund to the department of
10 8 corrections for the fiscal year beginning July 1,
10 9 2000, and ending June 30, 2001, the following amounts,
10 10 or so much thereof as is necessary, to be used for the
10 11 purposes designated:

10 12 1. To supplement funds appropriated in 1998 Iowa
10 13 Acts, chapter 1219, section 2, subsection 3, for
10 14 construction of a 200=bed facility at the Iowa state
10 15 penitentiary at Fort Madison:

10 16 \$ 3,000,000

10 17 2. For community=based corrections projects:

10 18 \$ 900,000

10 19 The first \$300,000 of the amount appropriated in
10 20 this subsection shall be allocated for community=based
10 21 corrections projects in Council Bluffs. The next
10 22 \$600,000 of the amount appropriated in this subsection
10 23 shall be allocated for community=based corrections
10 24 projects in the judicial district in which the city of
10 25 Davenport is located. These moneys may be used by the
10 26 department to enter into lease-purchasing agreements
10 27 or the payment of rent for such projects.

10 28 Notwithstanding section 8.33 and section 20 of this
10 29 Act, moneys appropriated in subsection 2 that remain
10 30 unencumbered or unobligated at the close of the fiscal
10 31 year that begins July 1, 2003, shall revert at the

10 32 close of the fiscal year that begins July 1, 2006.
10 33 However, if the projects for which the moneys are
10 34 appropriated are completed in an earlier fiscal year,
10 35 unencumbered or unobligated moneys shall revert at the
10 36 close of that fiscal year.

10 37 Sec. _____. 2000 Iowa Acts, chapter 1225, section
10 38 19, unnumbered paragraph 2, is amended to read as
10 39 follows:

10 40 To supplement moneys appropriated in prior fiscal
10 41 years for construction of a new dining hall and food
10 42 services facility and renovation of the former Sheeler
10 43 food preparation area:

10 44 \$ 992,000

10 45 Sec. _____. 2000 Iowa Acts, chapter 1225, section
10 46 20, is amended to read as follows:

10 47 SEC. 20. REVERSION. Notwithstanding section 8.33,
10 48 moneys appropriated in this division of this Act that
10 49 remain unencumbered or unobligated at the close of the
10 50 fiscal year that begins July 1, ~~2003~~ 2004, shall
11 1 revert at the close of that fiscal year. However, if
11 2 the projects for which the moneys are appropriated are
11 3 completed in an earlier fiscal year, unencumbered or
11 4 unobligated moneys shall revert at the close of that
11 5 fiscal year.

11 6 Sec. _____. EXAMINATION OF DEPARTMENT OF
11 7 ADMINISTRATION == FY 2003=2004. Notwithstanding
11 8 section 11.5B, for the fiscal year beginning July 1,
11 9 2003, and ending June 30, 2004, the auditor of state
11 10 shall not be entitled to reimbursement for performing
11 11 any examination of the department of administrative
11 12 services or funds received by the department of
11 13 administrative services, except for an examination of
11 14 the information technology enterprise within the
11 15 department of administrative services and funds
11 16 received by the information technology enterprise.

11 17 Sec. _____. SECURE AN ADVANCED VISION FOR EDUCATION
11 18 FUND. Notwithstanding the maximum amount of the
11 19 appropriation from the rebuild Iowa infrastructure
11 20 fund to the secure an advanced vision for education
11 21 fund specified in section 8.57, subsection 5,
11 22 paragraph "f", the maximum amount of such
11 23 appropriation for the fiscal year beginning July 1,
11 24 2004, and ending June 30, 2005, shall not exceed
11 25 \$8,160,000.

11 26 Sec. _____. The following sections of this division
11 27 of this Act, being deemed of immediate importance,
11 28 take effect upon enactment:

11 29 1. The section amending 2003 Iowa Acts, chapter
11 30 177, section 6.

11 31 2. The section amending 2003 Iowa Acts, chapter
11 32 179, section 140.

11 33 3. The section amending 2002 Iowa Acts, chapter
11 34 1173, section 18, as amended by 2003 Iowa Acts,
11 35 chapter 179, section 39.

11 36 4. The section amending 2000 Iowa Acts, chapter
11 37 1225, section 2, as amended by 2001 Iowa Acts, chapter
11 38 185, section 2.

11 39 5. The section amending 2000 Iowa Acts, chapter
11 40 1225, section 19.

11 41 6. The section amending 2000 Iowa Acts, chapter
11 42 1225, section 20.

11 43 7. The section addressing the examination of the
11 44 department of administration in fiscal year 2003=2004.

11 45 DIVISION ____
11 46 ENVIRONMENT FIRST FUND

11 47 Sec. _____. There is appropriated from the
11 48 environment first fund to the following departments
11 49 and agencies for the fiscal year beginning July 1,
11 50 2004, and ending June 30, 2005, the following amounts,
12 1 or so much thereof as is necessary, to be used for the
12 2 purposes designated:

12 3 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

12 4 a. For the conservation reserve enhancement
12 5 program to restore and construct wetlands for the
12 6 purposes of intercepting tile line runoff, reducing
12 7 nutrient loss, improving water quality, and enhancing
12 8 agricultural production practices:

12 9 \$ 1,500,000

12 10 Not more than 5 percent of the moneys appropriated
12 11 in this lettered paragraph may be used for costs of
12 12 administration and implementation of soil and water

12 13 conservation practices.
 12 14 b. For continuation of a program that provides
 12 15 multiobjective resource protections for flood control,
 12 16 water quality, erosion control, and natural resource
 12 17 conservation:
 12 18 \$ 2,700,000
 12 19 Not more than 5 percent of the moneys appropriated
 12 20 in this lettered paragraph may be used for costs of
 12 21 administration and implementation of soil and water
 12 22 conservation practices.
 12 23 c. For continuation of a statewide voluntary farm
 12 24 management demonstration program to demonstrate the
 12 25 effectiveness and adaptability of emerging practices
 12 26 in agronomy that protect water resources and provide
 12 27 other environmental benefits:
 12 28 \$ 850,000
 12 29 Not more than 5 percent of the moneys appropriated
 12 30 in this lettered paragraph may be used for costs of
 12 31 administration and implementation of soil and water
 12 32 conservation practices.
 12 33 Of the amount appropriated in this lettered
 12 34 paragraph, \$400,000 shall be allocated to the Iowa
 12 35 soybean association's agriculture and environment
 12 36 performance program.
 12 37 d. For deposit in the alternative drainage system
 12 38 assistance fund created in section 460.303 to be used
 12 39 for purposes of supporting the alternative drainage
 12 40 system assistance program as provided in section
 12 41 460.304:
 12 42 \$ 500,000
 12 43 Not more than 5 percent of the moneys appropriated
 12 44 in this lettered paragraph may be used for costs of
 12 45 administration and implementation of soil and water
 12 46 conservation practices.
 12 47 e. To provide financial assistance for the
 12 48 establishment of permanent soil and water conservation
 12 49 practices:
 12 50 \$ 5,500,000
 13 1 (1) Not more than 5 percent of the moneys
 13 2 appropriated in this lettered paragraph may be
 13 3 allocated for cost-sharing to abate complaints filed
 13 4 under section 161A.47.
 13 5 (2) Of the moneys appropriated in this lettered
 13 6 paragraph, 5 percent shall be allocated for financial
 13 7 incentives to establish practices to protect
 13 8 watersheds above publicly owned lakes of the state
 13 9 from soil erosion and sediment as provided in section
 13 10 161A.73.
 13 11 (3) Not more than 30 percent of a district's
 13 12 allocation of moneys as financial incentives may be
 13 13 provided for the purpose of establishing management
 13 14 practices to control soil erosion on land that is row=
 13 15 cropped, including but not limited to no=till
 13 16 planting, ridge=till planting, contouring, and contour
 13 17 strip=cropping as provided in section 161A.73.
 13 18 (4) The state soil conservation committee created
 13 19 in section 161A.4 may allocate moneys appropriated in
 13 20 this lettered paragraph to conduct research and
 13 21 demonstration projects to promote conservation tillage
 13 22 and nonpoint source pollution control practices.
 13 23 (5) The financial incentive payments may be used
 13 24 in combination with department of natural resources
 13 25 moneys.
 13 26 (6) Not more than 10 percent of the moneys
 13 27 appropriated in this lettered paragraph may be used
 13 28 for costs of administration and implementation of soil
 13 29 and water conservation practices.
 13 30 f. To encourage and assist farmers in enrolling in
 13 31 and the implementation of federal conservation
 13 32 programs and work with them to enhance their
 13 33 revegetation efforts to improve water quality and
 13 34 habitat:
 13 35 \$ 2,000,000
 13 36 Not more than 5 percent of the moneys appropriated
 13 37 in this lettered paragraph may be used for costs of
 13 38 administration and implementation of soil and water
 13 39 conservation practices.
 13 40 g. For deposit in the loess hills development and
 13 41 conservation fund created in section 161D.2:
 13 42 \$ 600,000
 13 43 Of the amount appropriated in this lettered

13 44 paragraph, \$400,000 shall be allocated to the hungry
13 45 canyons account and \$200,000 shall be allocated to the
13 46 loess hills alliance account, to be used for the
13 47 purposes for which the moneys in those accounts are
13 48 authorized to be used under chapter 161D. No more
13 49 than 5 percent of the moneys allocated to each account
13 50 in this lettered paragraph may be used for
14 1 administrative costs.

14 2 h. For deposit in the southern Iowa development
14 3 and conservation fund created in section 161D.12:
14 4 \$ 300,000
14 5 Not more than 5 percent of the moneys appropriated
14 6 in this lettered paragraph may be used for
14 7 administrative costs.

14 8 2. DEPARTMENT OF ECONOMIC DEVELOPMENT
14 9 For deposit in the brownfield redevelopment fund
14 10 created in section 15.293 to provide assistance under
14 11 the brownfield redevelopment program:
14 12 \$ 500,000

14 13 3. DEPARTMENT OF NATURAL RESOURCES
14 14 a. To provide local watershed managers with
14 15 geographic information system data for their use in
14 16 developing, monitoring, and displaying results of
14 17 their watershed work:
14 18 \$ 195,000

14 19 b. For statewide coordination of volunteer efforts
14 20 under the water quality and keepers of the land
14 21 programs:
14 22 \$ 100,000

14 23 c. For continuing the establishment and operation
14 24 of water quality monitoring stations:
14 25 \$ 2,955,000

14 26 d. For deposit in the administration account of
14 27 the water quality protection fund, to carry out the
14 28 purposes of that account:
14 29 \$ 500,000

14 30 e. For air quality monitoring equipment:
14 31 \$ 500,000

14 32 f. For the dredging of lakes, including necessary
14 33 preparation for dredging, in accordance with the
14 34 department's classification of Iowa lakes restoration
14 35 report:
14 36 \$ 1,000,000

14 37 The department shall consider the following
14 38 criteria for funding lake dredging projects as
14 39 provided in this lettered paragraph, and shall
14 40 prioritize projects based on the following:
14 41 (1) Documented efforts to address watershed
14 42 protection, considering testing, conservation efforts,
14 43 and amount of time devoted to watershed protection.
14 44 (2) Protection of a natural resource and natural
14 45 habitat.
14 46 (3) Percentage of public access and undeveloped
14 47 lakefront property.
14 48 (4) Continuation of current projects partially
14 49 funded by state resources to achieve department
14 50 recommendations.

15 1 g. For purposes of funding capital projects for
15 2 the purposes specified in section 452A.79, and for
15 3 expenditures for the local cost share grants to be
15 4 used for capital expenditures to local governmental
15 5 units for boating accessibility:
15 6 \$ 2,300,000

15 7 h. For regular maintenance of state parks and
15 8 staff time associated with these activities:
15 9 \$ 2,000,000

15 10 RESOURCES ENHANCEMENT AND PROTECTION FUND
15 11 Sec. _____. Notwithstanding the amount of the
15 12 standing appropriation from the general fund of the
15 13 state under section 455A.18, subsection 3, there is
15 14 appropriated from the environment first fund to the
15 15 Iowa resources enhancement and protection fund, in
15 16 lieu of the appropriation made in section 455A.18, for
15 17 the fiscal year beginning July 1, 2004, and ending
15 18 June 30, 2005, the following amount, to be allocated
15 19 as provided in section 455A.19:
15 20 \$ 11,000,000

15 21 Sec. _____. REVERSION.
15 22 1. Except as provided in subsection 2, and
15 23 notwithstanding section 8.33, moneys appropriated in
15 24 this division of this Act that remain unencumbered or

15 25 unobligated shall not revert at the close of the
15 26 fiscal year for which they were appropriated but shall
15 27 remain available for the purposes designated until the
15 28 close of the fiscal year beginning July 1, 2005, or
15 29 until the project for which the appropriation was made
15 30 is completed, whichever is earlier.

15 31 2. Notwithstanding section 8.33, moneys
15 32 appropriated in this division of this Act to the
15 33 department of agriculture and land stewardship to
15 34 provide financial assistance for the establishment of
15 35 permanent soil and water conservation practices that
15 36 remain unencumbered or unobligated at the close of the
15 37 fiscal year shall not revert but shall remain
15 38 available for expenditure for the purposes designated
15 39 until the close of the fiscal year that begins July 1,
15 40 2007.

15 41 DIVISION ____

15 42 TOBACCO SETTLEMENT TRUST FUND

15 43 Sec. _____. There is appropriated from the tax=
15 44 exempt bond proceeds restricted capital funds account
15 45 of the tobacco settlement trust fund to the following
15 46 departments and agencies for the fiscal year beginning
15 47 July 1, 2004, and ending June 30, 2005, the following
15 48 amounts, or so much thereof as is necessary, to be
15 49 used for the purposes designated:

15 50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

16 1 a. For the payment of claims relating to the
16 2 purchase and implementation of an integrated
16 3 information for Iowa system, notwithstanding section
16 4 12E.12, subsection 1, paragraph "b", subparagraph (1):
16 5 \$ 6,049,284

16 6 b. For capitol interior restoration:
16 7 \$ 3,500,000

16 8 The department shall consult with the leaders of
16 9 the senate and house of representatives prior to
16 10 planning or implementing any capitol interior
16 11 restoration project or other activity.

16 12 2. TAX=EXEMPT STATUS == USE OF APPROPRIATIONS.

16 13 Payment of moneys from the appropriations in this
16 14 section shall be made in a manner that does not
16 15 adversely affect the tax-exempt status of any
16 16 outstanding bonds issued by the tobacco settlement
16 17 authority.

16 18 3. REVERSION. Notwithstanding section 8.33,
16 19 moneys appropriated in this section shall not revert
16 20 at the close of the fiscal year for which they were
16 21 appropriated but shall remain available for the
16 22 purposes designated until the close of the fiscal year
16 23 that begins July 1, 2006, or until the project for
16 24 which the appropriation was made is completed,
16 25 whichever is earlier.

16 26 Sec. _____. PAYMENTS IN LIEU OF TUITION. There is
16 27 appropriated from the tax-exempt bond proceeds
16 28 restricted capital funds account of the tobacco
16 29 settlement trust fund of the state to the state board
16 30 of regents for the fiscal year beginning July 1, 2004,
16 31 and ending June 30, 2005, the following amount, or so
16 32 much thereof as is necessary, to be used for the
16 33 purpose designated:

16 34 For allocation by the state board of regents to the
16 35 state university of Iowa, the Iowa state university of
16 36 science and technology, and the university of northern
16 37 Iowa to reimburse the institutions for deficiencies in
16 38 their operating funds resulting from the pledging of
16 39 tuitions, student fees and charges, and institutional
16 40 income to finance the cost of providing academic and
16 41 administrative buildings and facilities and utility
16 42 services at the institutions, notwithstanding section
16 43 12E.12, subsection 1, paragraph "b", subparagraph (1):
16 44 \$ 10,437,174

16 45 Sec. _____. IOWA COMMUNICATIONS NETWORK DEBT

16 46 SERVICE. There is appropriated from the tax-exempt
16 47 bond proceeds restricted capital funds account of the
16 48 tobacco settlement trust fund to the office of the
16 49 treasurer of state for the fiscal year beginning July
16 50 1, 2004, and ending June 30, 2005, the following
17 1 amount, or so much thereof as is necessary, to be used
17 2 for the purpose designated:

17 3 For debt service for the Iowa communications
17 4 network, notwithstanding section 12E.12, subsection 1,
17 5 paragraph "b", subparagraph (1):

17 6 \$ 13,039,778

17 7 Funds appropriated in this section shall be
17 8 deposited in a separate fund established in the office
17 9 of the treasurer of state to be used solely for debt
17 10 service for the Iowa communications network. The Iowa
17 11 telecommunications and technology commission shall
17 12 certify to the treasurer of state when a debt service
17 13 payment is due, and upon receipt of the certification,
17 14 the treasurer shall make the payment. The commission
17 15 shall pay any additional amount due from funds
17 16 deposited in the Iowa communications network fund.

17 17 Sec. ____ PRISON DEBT SERVICE. There is
17 18 appropriated from the tax-exempt bond proceeds
17 19 restricted capital funds account of the tobacco
17 20 settlement trust fund to the office of the treasurer
17 21 of state for the fiscal year beginning July 1, 2004,
17 22 and ending June 30, 2005, the following amount, or so
17 23 much thereof as is necessary, to be used for the
17 24 purpose designated:

17 25 For repayment of prison infrastructure bonds under
17 26 section 16.177, notwithstanding section 12E.12,
17 27 subsection 1, paragraph "b", subparagraph (1):

17 28 \$ 5,413,324

17 29 Sec. ____ ENDOWMENT FOR IOWA'S HEALTH ACCOUNT ==
17 30 TRANSFER TO REBUILD IOWA INFRASTRUCTURE FUND.
17 31 Notwithstanding 2001 Iowa Acts, chapter 174, section
17 32 1, subsection 1, as amended by 2002 Iowa Acts, chapter
17 33 1167, section 4, 2002 Iowa Acts, chapter 1174, section
17 34 8, and 2002 Iowa Acts, chapter 1175, section 95, there
17 35 is transferred from the endowment for Iowa's health
17 36 account of the tobacco settlement trust fund created
17 37 in section 12E.12 to the rebuild Iowa infrastructure
17 38 fund for the fiscal year beginning July 1, 2004, and
17 39 ending June 30, 2005, the following amount:

17 40 \$ 10,966,960

17 41 Notwithstanding section 8.33, moneys transferred in
17 42 this section shall not revert.

17 43 Sec. ____ 2003 Iowa Acts, chapter 177, section 23,
17 44 subsection 3, is amended to read as follows:

17 45 3. Notwithstanding section 8.33, moneys
17 46 appropriated in this section shall not revert at the
17 47 close of the fiscal year for which they were
17 48 appropriated, but shall remain available for the
17 49 purpose designated until the close of the fiscal year
17 50 that begins July 1, ~~2008~~ 2006, or until the project
18 1 for which the appropriation was made is completed,
18 2 whichever is earlier.

18 3 Sec. ____ 2002 Iowa Acts, chapter 1173, section 1,
18 4 subsection 7, paragraph a, is amended to read as
18 5 follows:

18 6 a. For parking improvements and provision of
18 7 street access for the judicial building:

18 8 FY 2002=2003	\$	700,000
18 9 FY 2003=2004	\$	0
18 10 FY 2004=2005	\$	0
18 11 FY 2005=2006	\$	0

18 12 Of the amount appropriated in this lettered
18 13 paragraph for FY 2002=2003, up to \$330,000 may be used
18 14 for costs associated with operation of the judicial
18 15 building, notwithstanding section 12E.12, subsection
18 16 1, paragraph "b", subparagraph (1).

18 17 DIVISION ____
18 18 MISCELLANEOUS FUNDS

18 19 Sec. ____ HELP AMERICA VOTE ACT. There is
18 20 appropriated from the general fund of the state to the
18 21 office of the secretary of state for the fiscal year
18 22 beginning July 1, 2003, and ending June 30, 2004, the
18 23 following amount, or so much thereof as is necessary,
18 24 to be used for the purposes designated:

18 25 For the purchase and installation of voting
18 26 machines to implement the federal Help America Vote
18 27 Act (HAVA):

18 28 \$ 765,000

18 29 Of the federal funds drawn down pursuant to HAVA,
18 30 not less than 80 percent shall be distributed to
18 31 counties for the implementation of that Act.

18 32 The state commissioner of elections shall report to
18 33 the general assembly regarding the expenditure of the
18 34 moneys appropriated in this subsection by January 2,
18 35 2005, and July 1, 2005.

18 36 Notwithstanding section 8.33, moneys appropriated

18 37 in this section that remain unencumbered or
18 38 unobligated at the close of the fiscal year shall not
18 39 revert but shall remain available for expenditure for
18 40 the purposes designated until the close of the
18 41 succeeding fiscal year.

18 42 Sec. ____ GENERAL FUND APPROPRIATIONS.

18 43 1. There is appropriated from the general fund of
18 44 the state to the state department of transportation
18 45 for the fiscal year beginning July 1, 2004, and ending
18 46 June 30, 2005, the following amounts, or so much
18 47 thereof as is necessary, to be used for the purposes
18 48 designated:

18 49 a. For operation and maintenance of the network of
18 50 automated weather observation and data transfer
19 1 systems associated with the Iowa aviation weather
19 2 system, the runway marking program for public
19 3 airports, the windsock program for public airports,
19 4 and the aviation improvement program:

19 5 \$ 64,792

19 6 b. For the rail assistance program and to provide
19 7 economic development project funding:

19 8 \$ 35,959

19 9 2. There is appropriated from the general fund of
19 10 the state to the racing and gaming commission within
19 11 the department of inspections and appeals for the
19 12 fiscal year beginning July 1, 2004, and ending June
19 13 30, 2005, in addition to any other appropriation made
19 14 by the general assembly, the following amount, or so
19 15 much thereof as is necessary, to be used for the
19 16 purposes designated:

19 17 For salaries, support, maintenance, and
19 18 miscellaneous purposes for the regulation of pari=
19 19 mutual racetracks:

19 20 \$ 217,161

19 21 The funds appropriated in this subsection shall be
19 22 used for one additional gaming representative at each
19 23 of the three licensed racetracks.

19 24 Sec. ____ PRIMARY ROAD FUND APPROPRIATION. There
19 25 is appropriated from the primary road fund to the
19 26 department of administrative services for the fiscal
19 27 year beginning July 1, 2004, and ending June 30, 2005,
19 28 the following amount, or so much thereof as is
19 29 necessary, to be used for distribution to the state
19 30 department of transportation:

19 31 \$ 465,491

19 32 Moneys appropriated in this section shall be
19 33 separately accounted for in a distribution account and
19 34 shall be distributed to the state department of
19 35 transportation to pay for services provided the state
19 36 department of transportation by the department of
19 37 administrative services as described in chapter 8A.

19 38 Sec. ____ ROAD USE TAX FUND APPROPRIATION. There
19 39 is appropriated from the road use tax fund to the
19 40 department of administrative services for the fiscal
19 41 year beginning July 1, 2004, and ending June 30, 2005,
19 42 the following amount, or so much thereof as is
19 43 necessary, to be used for distribution to the state
19 44 department of transportation:

19 45 \$ 76,059

19 46 Moneys appropriated in this section shall be
19 47 separately accounted for in a distribution account and
19 48 shall be distributed to the state department of
19 49 transportation to pay for services provided the state
19 50 department of transportation by the department of
20 1 administrative services as described in chapter 8A.

20 2 Sec. ____ TRANSFER AND DEPOSIT OF SURPLUS MONEYS
20 3 IN LOCAL HOUSING ASSISTANCE PROGRAM FUND. The sum of
20 4 \$800,000 is transferred from moneys declared by the
20 5 Iowa finance authority under section 16.10 to be
20 6 surplus moneys to the housing trust fund created in
20 7 section 16.181 for the fiscal year beginning July 1,
20 8 2004, and ending June 30, 2005.

20 9 Sec. ____ 2003 Iowa Acts, chapter 171, section 2,
20 10 is amended by inserting the following new unnumbered
20 11 paragraph:

20 12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
20 13 8.33, moneys appropriated in subsection 1 that remain
20 14 unencumbered or unobligated at the close of the fiscal
20 15 year shall not revert but shall remain available for
20 16 expenditure until the close of the fiscal year that
20 17 begins July 1, 2004, for the purpose of restocking the

20 18 department's salt storage.
20 19 Sec. ____ EFFECTIVE DATE.
20 20 1. The section of this division of this Act
20 21 providing an appropriation for implementation of the
20 22 federal Help America Vote Act, being deemed of
20 23 immediate importance, takes effect upon enactment.
20 24 2. The section of this division of this Act,
20 25 amending 2003 Iowa Acts, chapter 171, section 2, being
20 26 deemed of immediate importance, takes effect upon
20 27 enactment.

20 28 DIVISION ____
20 29 CODE CHANGES

20 30 Sec. ____ Section 15.109, subsection 2, Code 2003,
20 31 is amended to read as follows:
20 32 2. Apply for, receive, administer, and use federal
20 33 or other funds available for achieving the purposes of
20 34 this chapter. For purposes of this subsection, the
20 35 term "federal funds" includes federal tax credits,
20 36 grants, or other economic benefits allocated or
20 37 provided by the United States government to encourage
20 38 investment in low-income or other specified areas or
20 39 to otherwise promote economic development. The
20 40 department may enter into an agreement pursuant to
20 41 chapter 28E, or any other agreement, with a person,
20 42 including for-profit and nonprofit legal entities, in
20 43 order to directly or indirectly apply for, receive,
20 44 administer, and use federal funds. As part of such
20 45 agreements and in furtherance of this public purpose
20 46 and in addition to powers and duties conferred under
20 47 other provisions of law, the department may, including
20 48 for or on behalf of for-profit or nonprofit legal
20 49 entities, appoint, remove, and replace board members
20 50 and advisors; provide oversight; make its personnel
21 1 and resources available to perform administrative,
21 2 management, and compliance functions; coordinate
21 3 investments; and engage in other acts as reasonable
21 4 and necessary to encourage investment in low-income or
21 5 other areas or to promote economic development. The
21 6 department, including department officials and
21 7 employees in their official and personal capacities,
21 8 are immune from liability for all acts or omissions
21 9 under this subsection.

21 10 Sec. ____ Section 80.9, subsection 2, paragraph f,
21 11 Code 2003, is amended to read as follows:
21 12 f. Provide protection and security for persons and
21 13 property on the grounds of the state capitol complex.
21 14 Notwithstanding chapter 8A or any other provision of
21 15 law, the department shall be solely responsible for
21 16 the purchase, installation, and maintenance of,
21 17 including making any improvements or additions to,
21 18 executive branch capitol complex security systems or
21 19 equipment, including the changing of locks and
21 20 issuance of keys, access cards, and identification
21 21 badges. The department of administrative services
21 22 shall cooperate with the department of public safety
21 23 in executing the department's duties under this
21 24 paragraph.

21 25 Sec. ____ Section 423.3, subsections 2 and 37, as
21 26 enacted by 2003 Iowa Acts, First Extraordinary
21 27 Session, chapter 2, section 96, are amended to read as
21 28 follows:

21 29 2. The sales price of sales for resale of tangible
21 30 personal property or taxable services, or for resale
21 31 of tangible personal property in connection with the
21 32 furnishing of taxable services except for sales, other
21 33 than leases or rentals, which are sales, of machinery,
21 34 equipment, attachments, and replacement parts
21 35 specifically enumerated in subsection 37 and used in
21 36 the manner described in subsection 37.

21 37 37. The sales price of services on or connected
21 38 with new construction, reconstruction, alteration,
21 39 expansion, remodeling, or the services of a general
21 40 building contractor, architect, or engineer. The
21 41 exemption in this subsection also applies to the sales
21 42 price on the lease or rental of self-propelled
21 43 building equipment, self-constructed cranes, pile
21 44 drivers, structural concrete forms, regular and
21 45 motorized scaffolding, generators, or attachments
21 46 customarily drawn or attached to self-propelled
21 47 building equipment, self-constructed cranes, pile
21 48 drivers, structural concrete forms, regular and

21 49 motorized scaffolding, and generators, including
21 50 auxiliary attachments which improve the performance,
22 1 safety, operation, or efficiency of the equipment and
22 2 replacement parts and are directly and primarily used
22 3 by contractors, subcontractors, and builders for new
22 4 construction, reconstruction, alterations, expansion,
22 5 or remodeling of real property or structures.

DIVISION ____

MISCELLANEOUS PROVISIONS

22 8 Sec. ____ Section 8.57, subsection 5, Code
22 9 Supplement 2003, is amended by adding the following
22 10 new paragraph:

22 11 NEW PARAGRAPH. g. Notwithstanding any other
22 12 provision to the contrary, and prior to the
22 13 appropriation of moneys from the rebuild Iowa
22 14 infrastructure fund pursuant to paragraph "c", and
22 15 section 8.57A, subsection 4, moneys shall first be
22 16 appropriated from the rebuild Iowa infrastructure fund
22 17 to the vertical infrastructure fund as provided in
22 18 section 8.57B, subsection 4.

22 19 Sec. ____ NEW SECTION. 8.57B VERTICAL
22 20 INFRASTRUCTURE FUND.

22 21 1. A vertical infrastructure fund is created under
22 22 the authority of the department of management. The
22 23 fund shall consist of appropriations made to the fund
22 24 and transfers of interest, earnings, and moneys from
22 25 other funds as provided by law. The fund shall be
22 26 separate from the general fund of the state and the
22 27 balance in the fund shall not be considered part of
22 28 the balance of the general fund of the state.
22 29 However, the fund shall be considered a special
22 30 account for the purposes of section 8.53, relating to
22 31 generally accepted accounting principles.

22 32 2. Notwithstanding section 12C.7, subsection 2,
22 33 interest or earnings on moneys in the vertical
22 34 infrastructure fund shall be credited to the rebuild
22 35 Iowa infrastructure fund.

22 36 3. Moneys in the fund in a fiscal year shall be
22 37 used as appropriated by the general assembly for
22 38 public vertical infrastructure projects. For the
22 39 purposes of this section, "vertical infrastructure"
22 40 includes only land acquisition and construction, major
22 41 renovation, and major repair of buildings, all
22 42 appurtenant structures, utilities, and site
22 43 development. "Vertical infrastructure" does not
22 44 include routine, recurring maintenance, debt service,
22 45 or operational expenses or leasing of a building,
22 46 appurtenant structure, or utility without a lease=
22 47 purchase agreement.

22 48 4. There is appropriated from the rebuild Iowa
22 49 infrastructure fund to the vertical infrastructure
22 50 fund, the following:

23 1 a. For the fiscal year beginning July 1, 2005, and
23 2 ending June 30, 2006, the sum of fifteen million
23 3 dollars.

23 4 b. For the fiscal year beginning July 1, 2006, and
23 5 ending June 30, 2007, the sum of fifty million
23 6 dollars.

23 7 c. For the fiscal year beginning July 1, 2007, and
23 8 ending June 30, 2008, the sum of seventy-five million
23 9 dollars.

23 10 d. For the fiscal year beginning July 1, 2008, and
23 11 each fiscal year thereafter, the sum of one hundred
23 12 million dollars.

23 13 Sec. ____ Section 8D.13, subsection 12, Code
23 14 Supplement 2003, is amended to read as follows:

23 15 12. The commission, on its own or as recommended
23 16 by an advisory committee of the commission and
23 17 approved by the commission, shall permit a fee to be
23 18 charged by a receiving site to the originator of the
23 19 communication provided on the network. The fee
23 20 charged shall be for the purpose of recovering the
23 21 operating costs of a receiving site. The fee charged
23 22 shall be reduced by an amount received by the
23 23 receiving site pursuant to a state appropriation for
23 24 such costs, or federal assistance received for such
23 25 costs. Fees established under this subsection shall
23 26 be paid by the originator of the communication
23 27 directly to the receiving site. In the event that an
23 28 entity requests a receiving site location in a video
23 29 classroom facility which is authorized by, but not

23 30 funded by, the originator of the communication, the
23 31 requesting entity shall be directly billed by the
23 32 video classroom facility for operating costs relating
23 33 to the communication. For purposes of this section,
23 34 "operating costs" include the costs associated with
23 35 the management or coordination, operations, utilities,
23 36 classroom, equipment, maintenance, and other costs
23 37 directly related to providing the receiving site.
23 38 Sec. _____. Section 15E.208, subsection 3, paragraph
23 39 b, subparagraph (2), Code Supplement 2003, is amended
23 40 by adding the following new subparagraph subdivisions:
23 41 NEW SUBPARAGRAPH SUBDIVISION. (c) Notwithstanding
23 42 any provision of this division to the contrary,
23 43 payments on the principal balance of the loan granted
23 44 by the corporation to an eligible person and assigned
23 45 to the department pursuant to this subparagraph during
23 46 calendar year 2003 shall be deferred until October 1,
23 47 2007. The eligible person shall make principal
23 48 payments to the department in the amount of one
23 49 million dollars for each year on October 1, 2007,
23 50 October 1, 2008, and October 1, 2009. The eligible
24 1 person shall pay the department four hundred eighty=
24 2 two thousand seven hundred sixty-one dollars in
24 3 interest, which shall be deemed to be the total amount
24 4 of interest accruing on the principal amount of the
24 5 loan. The eligible person shall pay the interest
24 6 amount on October 1, 2010. Upon the payment of the
24 7 principal balance of the loan and the accrued
24 8 interest, the debt shall be retired.
24 9 NEW SUBPARAGRAPH SUBDIVISION. (d) Notwithstanding
24 10 any provision of this division to the contrary, the
24 11 corporation shall repay the department the principal
24 12 balance of the Iowa agricultural industry finance loan
24 13 beginning on October 1, 2007. The principal balance
24 14 of the loan equals twenty-one million five hundred
24 15 seventeen thousand two hundred thirty-nine dollars.
24 16 The corporation shall repay the department five
24 17 hundred seventeen thousand two hundred thirty-nine
24 18 dollars by October 1, 2007, and for each subsequent
24 19 year the corporation shall repay the department at
24 20 least one million dollars by October 1 until the total
24 21 principal balance of the loan is repaid. This
24 22 subparagraph subdivision shall not be construed to
24 23 limit the department's authority to negotiate the
24 24 payment of interest accruing on the principal balance
24 25 which shall be paid to the department as provided by
24 26 an agreement executed by the department and the
24 27 corporation.
24 28 Sec. _____. Section 28M.1, if enacted by 2004 Iowa
24 29 Acts, Senate File 2284, section 1, is amended by
24 30 adding the following new subsection:
24 31 NEW SUBSECTION. 3. "Transportation" means the
24 32 movement of individuals in a four or more wheeled
24 33 motorized vehicle designed to carry passengers,
24 34 including a car, van, or bus, or the carrying of
24 35 individuals upon cars operated upon stationary rails,
24 36 between one geographic point and another geographic
24 37 point. "Transportation" does not include emergency or
24 38 incidental transportation or transportation conducted
24 39 by the department of human services at its
24 40 institutions.
24 41 Sec. _____. Section 28M.2, subsections 1 and 3, if
24 42 enacted by 2004 Iowa Acts, Senate File 2284, section
24 43 2, are amended to read as follows:
24 44 1. A county with a population in excess of ~~three~~
24 45 one hundred seventy-five thousand and participating
24 46 cities may create, by chapter 28E agreement, a
24 47 regional transit district in the county pursuant to
24 48 this chapter. Two or more contiguous counties and
24 49 participating cities may create, by chapter 28E
24 50 agreement, a regional transit district pursuant to
25 1 this chapter if one of the counties has a population
25 2 in excess of ~~three one hundred~~ seventy-five thousand.
25 3 A district shall consist of the unincorporated area of
25 4 any participating county and the incorporated area of
25 5 any city in the county that does not have an urban
25 6 transit system. However, a city without an urban
25 7 transit system may decline, by resolution forwarded to
25 8 the board of supervisors, to participate in a regional
25 9 transit district.
25 10 3. A city that is located in a nonparticipating

25 11 county that is contiguous to a county with a
25 12 population in excess of ~~three one hundred seventy-five~~
25 13 thousand that is creating a regional transit district
25 14 may notify that county, by resolution forwarded to the
25 15 board of supervisors of that county, that the city
25 16 wishes to participate.

25 17 Sec. _____. Section 28M.5, subsection 1, unnumbered
25 18 paragraph 2, if enacted by 2004 Iowa Acts, Senate File
25 19 2284, section 5, is amended to read as follows:

25 20 The amount of the regional transit district levy
25 21 that is the responsibility of a participating county
25 22 shall be deducted from the maximum rates of taxes
25 23 authorized to be levied by the county pursuant to
25 24 section 331.423, subsections 1 and 2, as applicable.
25 25 However, for a regional transit district that includes
25 26 a county with a population of less than three hundred
25 27 thousand, the amount of the regional transit district
25 28 levy that is the responsibility of a participating
25 29 county shall be deducted from the maximum rate of
25 30 taxes authorized to be levied by the county pursuant
25 31 to section 331.423, subsection 1.

25 32 Sec. _____. Section 99F.7, subsection 13, Code 2003,
25 33 as amended by 2004 Iowa Acts, House File 2302, if
25 34 enacted, is amended to read as follows:

25 35 13. ~~An~~ When applicable, an excursion gambling boat
25 36 operated on inland waters of this state or an
25 37 excursion boat that has been removed from navigation
25 38 and is designated as a permanently moored vessel by
25 39 the United States coast guard shall be subject to the
25 40 exclusive jurisdiction of the department of natural
25 41 resources and meet all of the requirements of chapter
25 42 462A and is further subject to an inspection of its
25 43 sanitary facilities to protect the environment and
25 44 water quality before a certificate of registration is
25 45 issued by the department of natural resources or a
25 46 license is issued or renewed under this chapter.

25 47 Sec. _____. Section 165B.5, subsection 3, if enacted
25 48 by 2004 Iowa Acts, House File 2476, section 6, is
25 49 amended to read as follows:

25 50 3. a. A person who owns or operates a restricted
26 1 concentration point is subject to a civil penalty of
26 2 ~~not less than~~ five thousand dollars for the first
26 3 violation and ~~not less than~~ twenty-five thousand
26 4 dollars for each subsequent violation. Each day that
26 5 a violation continues constitutes a separate
26 6 violation.

26 7 b. A person who has a legal interest in infected
26 8 poultry or has custody of infected poultry which are
26 9 located at a restricted concentration point is subject
26 10 to a civil penalty of ~~not less than~~ five thousand
26 11 dollars for the first violation and ~~not less than~~
26 12 twenty-five thousand dollars for each subsequent
26 13 violation. Each day that a violation continues
26 14 constitutes a separate violation.

26 15 c. A person who transports poultry to or from a
26 16 restricted concentration point is subject to a civil
26 17 penalty of ~~not less than~~ one thousand dollars for the
26 18 first violation and ~~not less than~~ five thousand
26 19 dollars for each subsequent violation. Each day that
26 20 a violation continues constitutes a separate
26 21 violation.

26 22 d. A person who purchases, offers to purchase,
26 23 barter, or offers to barter for poultry at a
26 24 restricted concentration point is subject to a civil
26 25 penalty of ~~not less than~~ one hundred dollars for the
26 26 first violation and ~~not less than~~ one thousand dollars
26 27 for each subsequent violation. Each day that a
26 28 violation continues constitutes a separate violation.

26 29 e. A person who charges admission for entry into a
26 30 restricted concentration point where a contest occurs
26 31 or otherwise holds, advertises, or conducts the
26 32 contest is subject to a civil penalty of ~~not less than~~
26 33 one thousand dollars for the first violation and ~~not~~
26 34 ~~less than~~ five thousand dollars for each subsequent
26 35 violation. Each day that a violation continues
26 36 constitutes a separate violation.

26 37 f. A person who attends or participates in a
26 38 contest at a restricted concentration point where a
26 39 contest occurs is subject to a civil penalty of ~~not~~
26 40 ~~less than~~ one hundred dollars for the first violation
26 41 and ~~not less than~~ one thousand dollars for each

26 42 subsequent violation. Each day that a violation
26 43 continues constitutes a separate violation.
26 44 Sec. ____ Section 260C.18A, subsection 3, Code
26 45 Supplement 2003, is amended to read as follows:
26 46 3. Of the moneys appropriated in this section, for
26 47 the fiscal period beginning July 1, 2003, and ending
26 48 June 30, ~~2006~~ 2007, the following amounts shall be
26 49 designated for the purposes of funding job retention
26 50 projects under section 260F.9:

27 1 a. One million dollars for the fiscal year
27 2 beginning July 1, 2003.
27 3 b. One million dollars for the fiscal year
27 4 beginning July 1, 2004.
27 5 c. One million dollars for the fiscal year
27 6 beginning July 1, 2005.
27 7 d. One million dollars for the fiscal year
27 8 beginning July 1, 2006. However, this paragraph only
27 9 applies if moneys allocated under paragraph "a" were
27 10 distributed to community colleges as provided under
27 11 subsection 8.

27 12 Sec. ____ Section 260C.18A, Code Supplement 2003,
27 13 is amended by adding the following new subsection:
27 14 NEW SUBSECTION. 8. If moneys allocated under
27 15 subsection 3, paragraph "a", are unobligated and
27 16 unencumbered on June 30, 2004, those moneys shall be
27 17 distributed to community colleges in accordance with
27 18 subsection 5 for the fiscal year beginning July 1,
27 19 2004, and ending June 30, 2005.

27 20 Sec. ____ Section 306.46, as enacted by 2004 Iowa
27 21 Acts, Senate File 2118, section 1, is amended by
27 22 adding the following new subsection:
27 23 NEW SUBSECTION. 3. This section shall not impair
27 24 or interfere with a city's authority to grant, amend,
27 25 extend, or renew a franchise as provided in section
27 26 364.2, and shall not impair or interfere with a city's
27 27 existing general police powers to control the use of
27 28 its right-of-way.

27 29 Sec. ____ Section 321.34, subsection 11,
27 30 paragraphs c and d, Code Supplement 2003, are amended
27 31 to read as follows:

27 32 c. The special natural resources fee for letter
27 33 number designated natural resources plates is ~~thirty=~~
27 34 ~~five forty=~~ forty= five dollars. The fee for personalized
27 35 natural resources plates is ~~forty=~~ forty= five dollars which
27 36 shall be paid in addition to the special natural
27 37 resources fee of ~~thirty=~~ forty= five dollars. The
27 38 fees collected by the director under this subsection
27 39 shall be paid monthly to the treasurer of state and
27 40 credited to the road use tax fund. Notwithstanding
27 41 section 423.24, and prior to the crediting of revenues
27 42 to the road use tax fund under section 423.24,
27 43 subsection 1, paragraph "b", the treasurer of state
27 44 shall credit monthly from those revenues to the Iowa
27 45 resources enhancement and protection fund created
27 46 pursuant to section 455A.18, the amount of the special
27 47 natural resources fees collected in the previous month
27 48 for the natural resources plates.

27 49 From the moneys credited to the Iowa resources
27 50 enhancement and protection fund under this paragraph
28 1 "c", ten dollars of the fee collected for each natural
28 2 resources plate issued, and fifteen dollars from each
28 3 renewal fee, shall be allocated to the department of
28 4 natural resources wildlife bureau to be used for
28 5 nongame wildlife programs.

28 6 d. Upon receipt of the special registration
28 7 plates, the applicant shall surrender the current
28 8 registration receipt and plates to the county
28 9 treasurer. The county treasurer shall validate the
28 10 special registration plates in the same manner as
28 11 regular registration plates are validated under this
28 12 section. The annual special natural resources fee for
28 13 letter number designated plates is ~~ten~~ twenty= five
28 14 dollars which shall be paid in addition to the regular
28 15 annual registration fee. The annual fee for
28 16 personalized natural resources plates is five dollars
28 17 which shall be paid in addition to the annual special
28 18 natural resources fee and the regular annual
28 19 registration fee. The annual special natural
28 20 resources fee shall be credited as provided under
28 21 paragraph "c".

28 22 Sec. ____ NEW SECTION. 327F.38 FIRST AID AND

28 23 MEDICAL TREATMENT FOR EMPLOYEES.

28 24 The department shall adopt rules requiring railroad
28 25 corporations within the state to provide reasonable
28 26 and adequate access to first aid and medical treatment
28 27 for employees injured in the course of employment. A
28 28 railroad corporation found guilty of a rule adopted
28 29 pursuant to this section shall, upon conviction, be
28 30 subject to a schedule "one" penalty.

28 31 Sec. _____. Section 331.362, subsection 5, Code
28 32 Supplement 2003, is amended to read as follows:

28 33 5. ~~The Notwithstanding any provision of law to the~~
28 34 ~~contrary, the board may enter into agreements with the~~
28 35 ~~department of transportation as provided in section~~
28 36 ~~313.2, including but not limited to agreements for the~~
28 37 ~~disposition of county property in accordance with~~
28 38 ~~section 331.361, subsection 2.~~

28 39 Sec. _____. Section 422.11J, subsection 5, paragraph
28 40 a, if enacted by 2004 Iowa Acts, Senate File 2295, is
28 41 amended to read as follows:

28 42 a. "Disabled student" means a child requiring
28 43 special education, as defined in section 256B.2,
28 44 subsection 1, ~~or a student with disabilities who~~
28 45 ~~qualifies for educational services under section 504~~
28 46 ~~of the federal Rehabilitation Act of 1973, as amended~~
28 47 ~~and codified in 29 U.S.C. } 794.~~

28 48 Sec. _____. Section 432.1, subsection 6, paragraph
28 49 b, unnumbered paragraph 1, Code Supplement 2003, is
28 50 amended to read as follows:

29 1 In addition to the prepayment amount in paragraph
29 2 "a", each life insurance company or association which
29 3 is subject to tax under subsection 1 of this section
29 4 and each mutual health service corporation which is
29 5 subject to tax under section 432.2 shall remit on or
29 6 before ~~June 30~~ August 15, on a prepayment basis, an
29 7 additional amount equal to the following percent of
29 8 the premium tax liability for the preceding calendar
29 9 year as follows:

29 10 Sec. _____. Section 432.1, subsection 6, paragraph
29 11 c, unnumbered paragraph 1, Code Supplement 2003, is
29 12 amended to read as follows:

29 13 In addition to the prepayment amount in paragraph
29 14 "a", each insurance company or association, other than
29 15 a life insurance company or association, which is
29 16 subject to tax under subsection 3 shall remit on or
29 17 before ~~June 30~~ August 15, on a prepayment basis, an
29 18 additional amount equal to the following percent of
29 19 the premium tax liability for the preceding calendar
29 20 year as follows:

29 21 Sec. _____. Section 518.18, subsection 3, paragraph
29 22 b, unnumbered paragraph 1, Code Supplement 2003, is
29 23 amended to read as follows:

29 24 In addition to the prepayment amount in paragraph
29 25 "a", each association shall remit on or before ~~June 30~~
29 26 August 15, on a prepayment basis, an additional amount
29 27 equal to the following percent of the premium tax
29 28 liability for the preceding calendar year as follows:

29 29 Sec. _____. Section 518A.35, subsection 3, paragraph
29 30 b, unnumbered paragraph 1, Code Supplement 2003, is
29 31 amended to read as follows:

29 32 In addition to the prepayment amount in paragraph
29 33 "a", each association shall remit on or before ~~June 30~~
29 34 August 15, on a prepayment basis, an additional amount
29 35 equal to the following percent of the premium tax
29 36 liability for the preceding calendar year as follows:

29 37 Sec. _____. 2004 Iowa Acts, Senate File 2257,
29 38 section 1, subsection 10, if enacted, is amended to
29 39 read as follows:

29 40 10. APPLICABILITY DATE. This section applies to
29 41 personal insurance contracts or policies delivered,
29 42 issued for delivery, continued, or renewed in this
29 43 state on or after ~~April 1, 2005~~ October 1, 2004.

29 44 Sec. _____. 2003 Iowa Acts, chapter 145, section
29 45 290, subsection 2, paragraph c, is amended to read as
29 46 follows:

29 47 c. By ~~September~~ December 1, 2004, the department
29 48 of administrative services, with the assistance of the
29 49 department of management, shall conduct a
29 50 comprehensive study of the impact of transferring all
30 1 state agency employees delivering information
30 2 technology services to the department of
30 3 administrative services and of the impact of

30 4 physically merging the data centers of the department,
30 5 the state department of transportation, and the
30 6 department of workforce development, into one data
30 7 center. The study shall include an assessment of
30 8 advantages and disadvantages, economies of scale,
30 9 cost, and space availability, and shall solicit input
30 10 from outside vendors, both public and private. The
30 11 department shall report to the legislative ~~fiscal~~
~~30 12 bureau services agency~~ and the committees on
30 13 government oversight of the senate and house of
30 14 representatives on the department's findings and
30 15 recommendations by ~~November 1, December 15, 2004.~~
30 16 Sec. _____. 2004 Iowa Acts, House File 2562, section
30 17 11, subsection 1, if enacted, is amended to read as
30 18 follows:
30 19 1. This Act, except for the provision of this Act
~~30 20 enacting section 99B.10, subsection 5B,~~ being deemed
30 21 of immediate importance, takes effect upon enactment.
30 22 Sec. _____. MENTAL HEALTH INSTITUTE AT CHEROKEE. If
30 23 building space located at the state mental health
30 24 institute at Cherokee being used by an organization
30 25 other than the state will be vacated by the
30 26 organization, the department of human services shall
30 27 reserve the space to be available for the purposes
30 28 described in this section. The department shall
30 29 develop a plan for using vacant building space at the
30 30 institute for a program to address the treatment needs
30 31 of persons with a developmental disability who exhibit
30 32 sexually violent behavior and are residents at state
30 33 resource centers or other residential settings.
30 34 Sec. _____. EFFECTIVE DATE. The sections of this
30 35 division of this Act amending section 260C.18A, Code
30 36 Supplement 2003, being deemed of immediate importance,
30 37 take effect upon enactment.
30 38 Sec. _____. EFFECTIVE DATE. The section of this
30 39 division of this Act amending section 306.46, being
30 40 deemed of immediate importance, takes effect upon
30 41 enactment.
30 42 Sec. _____. REAP PLATES == EFFECTIVE DATE. The
30 43 section of this division of this Act amending section
30 44 321.34, subsection 11, paragraphs "c" and "d", takes
30 45 effect January 1, 2005.
30 46 Sec. _____. EFFECTIVE DATE. The sections of this
30 47 division of this Act amending sections 432.1, 518.18,
30 48 and 518A.35, being deemed of immediate importance,
30 49 take effect upon enactment.
30 50 DIVISION ____
31 1 CORRECTIVE PROVISIONS
31 2 Sec. _____. Section 9E.6A, unnumbered paragraph 1,
31 3 Code 2003, as amended by 2004 Iowa Acts, House File
31 4 2516, section 1, if enacted, is amended to read as
31 5 follows:
31 6 Each person performing a notarial act pursuant to
31 7 section 9E.10 must acquire and use a stamp or seal as
31 8 provided in this chapter. However, this section shall
31 9 not apply to a notarial act performed by a judicial
31 10 officer as defined in section 602.1101, if the
31 11 notarial act is performed in accordance with state or
31 12 federal statutory authority, ~~or is and shall not apply~~
~~31 13 to a certification by a chief officer or a chief~~
31 14 officer's designee of a peace officer's verification
31 15 of a uniform citation and complaint pursuant to
31 16 section 805.6, subsection 5.
31 17 Sec. _____. Section 9H.1, subsection 17, Code
31 18 Supplement 2003, is amended to read as follows:
31 19 17. "Limited partnership" means a limited
~~31 20 partnership as defined in section 487.101, subsection~~
~~31 21 7, and or 488.102, or a limited liability limited~~
31 22 partnership under section 487.1301 or chapter 488,
31 23 which owns or leases agricultural land or is engaged
31 24 in farming.
31 25 Sec. _____. Section 9H.1, subsection 17, Code
31 26 Supplement 2003, as amended by this division of this
31 27 Act to take effect January 1, 2005, is amended to read
31 28 as follows:
31 29 17. "Limited partnership" means a limited
31 30 partnership as defined in section ~~487.101 or~~ 488.102,
31 31 or a limited liability limited partnership under
31 32 ~~section 487.1301 or~~ chapter 488, which owns or leases
31 33 agricultural land or is engaged in farming.
31 34 Sec. _____. Section 10B.1, subsection 8, Code

31 35 Supplement 2003, is amended to read as follows:
31 36 8. "Limited partnership" means a foreign or
31 37 domestic limited partnership, including a limited
31 38 partnership as defined in section 487.101, ~~subsection~~
~~31 39 7 or 488.102~~, and a domestic or foreign limited
31 40 liability limited partnership under section 487.1301
31 41 or 487.1303, ~~or chapter 488~~.
31 42 Sec. _____. Section 10B.1, subsection 8, Code
31 43 Supplement 2003, as amended by this division of this
31 44 Act to take effect January 1, 2005, is amended to read
31 45 as follows:
31 46 8. "Limited partnership" means a foreign or
31 47 domestic limited partnership, including a limited
31 48 partnership as defined in section ~~487.101 or 488.102~~,
31 49 and a domestic or foreign limited liability limited
31 50 partnership under ~~section 487.1301 or 487.1303, or~~
32 1 chapter 488.
32 2 Sec. _____. Section 34A.7A, subsection 2, paragraph
32 3 f, if enacted by 2004 Iowa Acts, House File 2434, is
32 4 amended by striking the paragraph and inserting in
32 5 lieu thereof the following:
32 6 f. (1) The program manager shall allocate an
32 7 amount up to one hundred twenty-seven thousand dollars
32 8 per calendar quarter equally to the joint E911 service
32 9 boards and the department of public safety that have
32 10 submitted an annual written request to the program
32 11 manager in a form approved by the program manager by
32 12 May 15 of each year.
32 13 (2) Upon retirement of outstanding obligations
32 14 referred to in paragraph "e", the amount allocated
32 15 under this paragraph "f" shall be an amount up to four
32 16 hundred thousand dollars per calendar quarter
32 17 allocated as follows:
32 18 (a) Sixty-five percent of the total dollars
32 19 available for allocation shall be allocated in
32 20 proportion to the square miles of the service area to
32 21 the total square miles in this state.
32 22 (b) Thirty-five percent of the total dollars
32 23 available for allocation shall be allocated in
32 24 proportion to the wireless E911 calls taken at the
32 25 public safety answering point in the service area to
32 26 the total number of wireless E911 calls originating in
32 27 this state.
32 28 (c) Notwithstanding subparagraph subdivisions (a)
32 29 and (b), the minimum amount allocated to each joint
32 30 E911 service board and to the department of public
32 31 safety shall be no less than one thousand dollars for
32 32 each public safety answering point within the service
32 33 area of the department of public safety or joint E911
32 34 service board.
32 35 (3) The funds allocated in this paragraph "f"
32 36 shall be used for communication equipment located
32 37 inside the public safety answering points for the
32 38 implementation and maintenance of wireless E911 phase
32 39 2. The joint E911 service boards and the department
32 40 of public safety shall provide an estimate of phase 2
32 41 implementation costs to the program manager by January
32 42 1, 2005.
32 43 Sec. _____. Section 48A.11, subsection 1, paragraph
32 44 e, Code 2003, as amended by 2004 Iowa Acts, Senate
32 45 File 2269, section 8, if enacted, is amended to read
32 46 as follows:
32 47 e. Iowa driver's license number if the registrant
32 48 has a current and valid Iowa driver's license, Iowa
32 49 nonoperator's identification card if the registrant
32 50 has a current and valid Iowa nonoperator's
33 1 identification card, or the last four numerals of the
33 2 registrant's social security number. If the
33 3 registrant does not have an Iowa driver's license
33 4 number, an Iowa nonoperator's identification card
33 5 number, or a social security number, the form shall
33 6 provide space for a number to be assigned as provided
33 7 in subsection 7.
33 8 Sec. _____. Section 48A.25A, unnumbered paragraph 1,
33 9 if enacted by 2004 Iowa Acts, Senate File 2269,
33 10 section 13, is amended to read as follows:.
33 11 Upon receipt of an application for voter
33 12 registration by mail, the state registrar of voters
33 13 shall compare the driver's license number, the Iowa
33 14 nonoperator's identification card number, or the last
33 15 four numerals of the social security number provided

33 16 by the registrant with the records of the state
33 17 department of transportation. To be verified, the
33 18 voter registration record shall contain the same name,
33 19 date of birth, and driver's license number or Iowa
33 20 nonoperator's identification card number or whole or
33 21 partial social security number as the records of the
33 22 department of transportation. If the information
33 23 cannot be verified, the application shall be rejected
33 24 and the registrant shall be notified of the reason for
33 25 the rejection. If the information can be verified, a
33 26 record shall be made of the verification and the
33 27 application shall be accepted.

33 28 Sec. _____. Section 48A.37, subsection 2, Code 2003,
33 29 as amended by 2004 Iowa Acts, Senate File 2269,
33 30 section 18, if enacted, is amended to read as follows:

33 31 2. Electronic records shall include a status code
33 32 designating whether the records are active, inactive,
33 33 local, or pending. Inactive records are records of
33 34 registered voters to whom notices have been sent
33 35 pursuant to section 48A.28, subsection 3, and who have
33 36 not returned the card or otherwise responded to the
33 37 notice, and those records have been designated
33 38 inactive pursuant to section 48A.29. Local records
33 39 are records of applicants who did not answer either
33 40 "yes" or "no" to the question in section 48A.11,
33 41 subsection 2A, paragraph "a". Pending records are
33 42 records of applicants whose applications have not been
33 43 verified pursuant to section 48A.25A. All other
33 44 records are active records. An inactive record shall
33 45 be made active when the registered voter votes at an
33 46 election, registers again, or reports a change of
33 47 name, address, telephone number, or political party
33 48 affiliation. A pending record shall be made active
33 49 upon verification. A local record shall be valid for
33 50 any election for which no candidates for federal
34 1 office appear on the ballot, ~~but the~~ A registrant
34 2 ~~may with only a local record shall~~ not vote in a
34 3 federal election unless the registrant submits a new
34 4 voter registration application before election day
34 5 indicating that the applicant is a citizen of the
34 6 United States.

34 7 Sec. _____. Section 49.81, subsection 2, unnumbered
34 8 paragraph 3, if enacted by 2004 Iowa Acts, Senate File
34 9 2269, section 20, is amended to read as follows:

34 10 You must show identification before your ballot can
34 11 be counted. Please bring or mail a copy of a current
34 12 and valid photo identification card to the county
34 13 ~~commissioners~~ commissioner's office or bring or mail a
34 14 copy of one of the following current documents that
34 15 show your name and address:

34 16 Sec. _____. Section 52.7, unnumbered paragraph 4,
34 17 Code 2003, as amended by 2004 Iowa Acts, Senate File
34 18 2269, section 27, if enacted, is amended to read as
34 19 follows:

34 20 Such machine shall be so constructed as to
34 21 accurately account for every vote cast upon it. The
34 22 machine shall be so constructed as to remove
34 23 information from the ballot identifying the voter
34 24 before the ballot is recorded and counted. If the
34 25 machine is a direct ~~electronic~~ recording electronic
34 26 device, the machine shall be so constructed as to
34 27 store each ballot cast separate from the ballot
34 28 tabulation function, which ballot may be reproduced on
34 29 paper in the case of a recount, manual audit, or
34 30 machine malfunction.

34 31 Sec. _____. Section 53.3, subsection 7, if enacted
34 32 by 2004 Iowa Acts, Senate File 2269, section 30, is
34 33 amended to read as follows:

34 34 7. A statement that an absentee ballot will ~~by~~ be
34 35 mailed to the applicant within twenty-four hours after
34 36 the ballot for the election is available.

34 37 Sec. _____. Section 53.17, subsection 1, paragraph
34 38 a, if enacted by 2004 Iowa Acts, Senate File 2269,
34 39 section 33, is amended to read as follows:

34 40 a. The sealed carrier envelope may be delivered by
34 41 the registered voter, by the special precinct election
34 42 officials designated pursuant to section 53.22,
34 43 subsection 1, or by the voter's designee if the
34 44 absentee ballot is voted by a voter described in
34 45 section 53.22, subsection 5, to the commissioner's
34 46 office no later than the time the polls are closed on

34 47 election day, ~~except as otherwise provided in~~
34 48 ~~subsection 4.~~

34 49 Sec. _____. Section 53.17, subsection 4, paragraph
34 50 d, subparagraph (2), if enacted by 2004 Iowa Acts,
35 1 Senate File 2269, section 33, is amended to read as
35 2 follows:

35 3 (2) The date and time the ~~voted~~ completed absentee
35 4 ballot was received from the voter.

35 5 Sec. _____. Section 68A.402, subsection 7, paragraph
35 6 b, as amended by 2004 Iowa Acts, House File 2319,
35 7 section 1, if enacted, is amended to read as follows:

35 8 b. COUNTY ELECTIONS. A political committee
35 9 expressly advocating the nomination, election, or
35 10 defeat of candidates for county office shall file
35 11 reports on the same dates as a candidate's committee
35 12 is required to file reports under subsection 2,
35 13 paragraph "a" and subsection 5, paragraph "b".

35 14 Sec. _____. Section 68A.503, subsection 4,
35 15 unnumbered paragraph 1, as amended by 2004 Iowa Acts,
35 16 House File 2318, section 7, if enacted, is amended to
35 17 read as follows:

35 18 The prohibitions in ~~sections~~ subsections 1 and 2
35 19 shall not apply to an insurance company, savings and
35 20 loan association, bank, credit union, or corporation
35 21 engaged in any of the following activities:

35 22 Sec. _____. Section 99B.11, subsection 2, paragraph
35 23 c, Code 2003, as amended by 2004 Iowa Acts, Senate
35 24 File 2249, section 1, is amended to read as follows:

35 25 c. Contests or exhibitions of cooking,
35 26 horticulture, livestock, poultry, fish or other
35 27 animals, artwork, hobbywork or craftwork, except those
35 28 prohibited by chapter 717A ~~or section 725.11~~.

35 29 Sec. _____. Section 174.1, subsection 0B, paragraph
35 30 a, as enacted by House File 2403, section 8, is
35 31 amended to read as follows:

35 32 a. The organization owns or leases at least ten
35 33 acres of fairgrounds. ~~A society~~ An organization may
35 34 meet the requirement of owning or leasing land,
35 35 buildings, and improvements through ownership by a
35 36 joint entity under chapter 28E.

35 37 Sec. _____. Section 174.12, subsection 2, unnumbered
35 38 paragraph 1, Code 2003, as amended by 2004 Iowa Acts,
35 39 House File 2403, section 16, is amended to read as
35 40 follows:

35 41 A district director of the association representing
35 42 the district in which the county is located, and the
35 43 director of the Iowa state fair board representing the
35 44 state fair board district in which the county is
35 45 located, certify to the association that the fair had
35 46 an accredited delegate in attendance at at least one
35 47 of the district meetings, and at the association's
35 48 annual meeting.

35 49 Sec. _____. Section 229.27, subsection 1, Code 2003,
35 50 is amended to read as follows:

36 1 1. Hospitalization of a person under this chapter,
36 2 either voluntarily or involuntarily, does not
36 3 constitute a finding of nor equate with nor raise a
36 4 presumption of incompetency, nor cause the person so
36 5 hospitalized to be deemed a person of unsound mind nor
36 6 a person under legal disability for any purpose,
36 7 including but not limited to any circumstances to
36 8 which sections 6B.15, 447.7, 487.402, subsection 5,
36 9 paragraph "b", section 488.603, subsection 6,
36 10 paragraph "c", sections 487.705, 488.704, 597.6,
36 11 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
36 12 633.244 are applicable.

36 13 Sec. _____. Section 229.27, subsection 1, Code 2003,
36 14 as amended by this division of this Act to take effect
36 15 January 1, 2005, is amended to read as follows:

36 16 1. Hospitalization of a person under this chapter,
36 17 either voluntarily or involuntarily, does not
36 18 constitute a finding of nor equate with nor raise a
36 19 presumption of incompetency, nor cause the person so
36 20 hospitalized to be deemed a person of unsound mind nor
36 21 a person under legal disability for any purpose,
36 22 including but not limited to any circumstances to
36 23 which sections 6B.15, 447.7, ~~487.402, subsection 5,~~
36 24 ~~paragraph "b",~~ section 488.603, subsection 6,
36 25 paragraph "c", sections 487.705, 488.704, 597.6,
36 26 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
36 27 633.244 are applicable.

36 28 Sec. _____. Section 260C.18A, subsection 2,
36 29 unnumbered paragraph 1, Code Supplement 2003, is
36 30 amended to read as follows:
36 31 On July 1 of each year for the fiscal year
36 32 beginning July 1, 2003, and for every fiscal year
36 33 thereafter, moneys from the grow Iowa values fund
36 34 created in section 15G.108 are appropriated to the
36 35 department of economic development for deposit in the
36 36 workforce training and economic development funds in
36 37 amounts determined pursuant to subsection ~~3~~ 4. Moneys
36 38 deposited in the funds and disbursed to community
36 39 colleges for a fiscal year shall be expended for the
36 40 following purposes, provided seventy percent of the
36 41 moneys shall be used on projects in the areas of
36 42 advanced manufacturing, information technology and
36 43 insurance, and life sciences which include the areas
36 44 of biotechnology, health care technology, and nursing
36 45 care technology:

36 46 Sec. _____. Section 321I.10, if enacted by 2004 Iowa
36 47 Acts, Senate File 297, section 53, is amended by
36 48 adding the following new subsection:
36 49 NEW SUBSECTION. 2A. Cities may designate streets
36 50 under the jurisdiction of cities within their
37 1 respective corporate limits which may be used for the
37 2 sport of driving all-terrain vehicles.

37 3 Sec. _____. Section 331.606B, subsection 4,
37 4 paragraph a, if enacted by 2004 Iowa Acts, Senate File
37 5 371, section 3, is amended to read as follows:
37 6 a. A document or instrument that was signed before
37 7 July 1, ~~2004~~ 2005.

37 8 Sec. _____. Section 488.102, subsection 10,
37 9 paragraph a, subparagraph (2), as enacted by 2004 Iowa
37 10 Acts, House File 2347, section 2, is amended to read
37 11 as follows:
37 12 (2) A person that was a general partner in a
37 13 limited partnership when the limited partnership
37 14 became subject to this chapter under section ~~488.1206~~
37 15 488.1204, subsection 1 or 2.

37 16 Sec. _____. Section 488.102, subsection 12,
37 17 paragraph a, subparagraph (2), as enacted by 2004 Iowa
37 18 Acts, House File 2347, section 2, is amended to read
37 19 as follows:
37 20 (2) A person that was a limited partner in a
37 21 limited partnership when the limited partnership
37 22 became subject to this chapter under section ~~488.1206~~
37 23 488.1204, subsection 1 or 2.

37 24 Sec. _____. Section 488.102, subsection 13, as
37 25 enacted by 2004 Iowa Acts, House File 2347, section 2,
37 26 is amended to read as follows:
37 27 13. "Limited partnership", except in the phrases
37 28 "foreign limited partnership" and "foreign limited
37 29 liability limited partnership", means an entity,
37 30 having one or more general partners and one or more
37 31 limited partners, which is formed under this chapter
37 32 by two or more persons or becomes subject to this
37 33 chapter under article 11 or section ~~488.1206~~ 488.1204,
37 34 subsection 1 or 2. The term includes a limited
37 35 liability limited partnership.

37 36 Sec. _____. Section 488.202, subsection 3,
37 37 unnumbered paragraph 1, as enacted by 2004 Iowa Acts,
37 38 House File 2347, section 20, is amended to read as
37 39 follows:
37 40 A general partner that knows that any information
37 41 in a filed certificate of limited partnership was
37 42 false when the certificate was filed or has become
37 43 false due to changed circumstances shall promptly do
37 44 at least one of the following:
37 45 Sec. _____. Section 488.209, subsection 1, paragraph
37 46 c, as enacted by 2004 Iowa Acts, House File 2347,
37 47 section 27, is amended to read as follows:
37 48 c. Whether all fees, taxes, and penalties under
37 49 this chapter or other law due ~~to~~ the secretary of
37 50 state have been paid.

38 1 Sec. _____. Section 488.209, subsection 2, paragraph
38 2 c, as enacted by 2004 Iowa Acts, House File 2347,
38 3 section 27, is amended to read as follows:
38 4 c. Whether all fees, taxes, and penalties under
38 5 this chapter or other law due ~~to~~ the secretary of
38 6 state have been paid.

38 7 Sec. _____. Section 488.508, subsection 6, as
38 8 enacted by 2004 Iowa Acts, House File 2347, section

38 9 50, is amended to read as follows:
38 10 6. A limited partnership's indebtedness, including
38 11 indebtedness issued in connection with or as part of a
38 12 distribution, is not considered a liability for
38 13 purposes of subsection 2 if the terms of the
38 14 indebtedness provide that payment of principal and
38 15 interest ~~are~~ is made only to the extent that a
38 16 distribution could then be made to partners under this
38 17 section.

38 18 Sec. _____. Section 488.703, subsection 1, as
38 19 enacted by 2004 Iowa Acts, House File 2347, section
38 20 61, is amended to read as follows:

38 21 1. On application to a court of competent
38 22 jurisdiction by any judgment creditor of a partner or
38 23 transferee, the court may charge the transferable
38 24 interest of the judgment debtor with payment of the
38 25 unsatisfied amount of the judgment with interest. To
38 26 the extent so charged, the judgment creditor has only
38 27 the rights of a transferee. The court may appoint a
38 28 receiver of the share of the distributions due or to
38 29 become due ~~to~~ the judgment debtor in respect of the
38 30 partnership and make all other orders, directions,
38 31 accounts, and inquiries the judgment debtor might have
38 32 made or which the circumstances of the case may
38 33 require to give effect to the charging order.

38 34 Sec. _____. Section 488.809, subsection 1, paragraph
38 35 a, as enacted by 2004 Iowa Acts, House File 2347,
38 36 section 72, is amended to read as follows:

38 37 a. Pay any fee, tax, or penalty under this chapter
38 38 or other law due ~~to~~ the secretary of state.

38 39 Sec. _____. Section 488.906, subsection 1, paragraph
38 40 a, as enacted by 2004 Iowa Acts, House File 2347,
38 41 section 81, is amended to read as follows:

38 42 a. Pay, within sixty days after the due date, any
38 43 fee, tax or penalty under this chapter or other law
38 44 due ~~to~~ the secretary of state.

38 45 Sec. _____. Section 488.1106, subsection 1,
38 46 paragraph a, as enacted by 2004 Iowa Acts, House File
38 47 2347, section 94, is amended to read as follows:

38 48 a. The governing statute of each of the other
38 49 organizations authorizes the merger.

38 50 Sec. _____. Section 504.304, subsection 1, if
39 1 enacted by 2004 Iowa Acts, Senate File 2274, section
39 2 27, is amended to read as follows:

39 3 1. Except as provided in subsection 2, the
39 4 validity of corporate action ~~may~~ shall not be
39 5 challenged on the ground that the corporation lacks or
39 6 lacked power to act.

39 7 Sec. _____. Section 504.854, subsection 3, paragraph
39 8 b, if enacted by 2004 Iowa Acts, Senate File 2274,
39 9 section 104, is amended to read as follows:

39 10 b. By the members, but the director who, at the
39 11 time does not qualify as a disinterested director, ~~may~~
39 12 shall not vote as a member or on behalf of a member.

39 13 Sec. _____. Section 504.1422, subsection 3, if
39 14 enacted by 2004 Iowa Acts, Senate File 2274, section
39 15 145, is amended to read as follows:

39 16 3. A corporation that is administratively
39 17 dissolved continues its corporate existence but ~~may~~
39 18 shall not carry on any activities except those
39 19 necessary to wind up and liquidate its affairs
39 20 pursuant to section 504.1406 and notify its claimants
39 21 pursuant to sections 504.1407 and 504.1408.

39 22 Sec. _____. Section 614.37, Code 2003, as amended by
39 23 2004 Iowa Acts, House File 2450, section 8, if
39 24 enacted, is amended to read as follows:

39 25 614.37 LIMITATION STATUTES NOT EXTENDED.

39 26 Nothing contained in this chapter shall be
39 27 construed to extend the period for the bringing of an
39 28 action or for the doing of any other required act
39 29 under any statutes of limitations, nor, except as
39 30 herein specifically provided, to effect the operation
39 31 of any statutes governing the effect of the recording
39 32 or the failure to record any instrument affecting
39 33 land. It is intended that nothing contained in this
39 34 ~~division~~ chapter be interpreted to revive or extend
39 35 the period of filing a claim or bringing an action
39 36 that may be limited or barred by any other statute.

39 37 Sec. _____. Section 669.14, subsection 11,
39 38 unnumbered paragraph 1, Code Supplement 2003, as
39 39 amended by 2004 Iowa Acts, House File 2347, section

39 40 116, is amended to read as follows:

39 41 Any claim for financial loss based upon an act or
39 42 omission in financial regulation, including but not
39 43 limited to examinations, inspections, audits, or other
39 44 financial oversight responsibilities, pursuant to
39 45 chapters 87, 203, 203C, 203D, 421B, 486, ~~or the figure~~
~~39 46 "487"~~ 487, 488, and 490 through 553, excluding
39 47 chapters 540A, 542, 542B, 543B, 543C, 543D, 544A, and
39 48 544B.

39 49 Sec. _____. Section 709A.1, subsection 2, paragraph
39 50 c, Code 2003, as amended by 2004 Iowa Acts, Senate
40 1 File 2249, section 2, is amended to read as follows:

40 2 c. Any premises the use of which constitutes a
40 3 violation of chapter 717A, or section 725.5, ~~or~~
40 4 725.10, ~~or 725.11.~~

40 5 Sec. _____. Section 714.26, subsection 1, paragraph
40 6 c, if enacted by 2004 Iowa Acts, House File 2395, is
40 7 amended to read as follows:

40 8 c. "Retail value" means the highest value of an
40 9 item determined by any reasonable standard at the time
40 10 the item bearing or identified by a counterfeit mark
40 11 is seized. If a seized item bearing or identified by
40 12 a counterfeit mark is a component of a finished
40 13 product, "retail value" also means the highest value,
40 14 determined by any reasonable standard, of the finished
40 15 product on which the component would have been
40 16 utilized. The retail value shall be the retail value
40 17 of the aggregate quantity of all items seized which
40 18 bear or are identified by a counterfeit mark. For
40 19 purposes of this paragraph, reasonable standard
40 20 includes but is not limited ~~the~~ to ~~the~~ market value
40 21 within the community, actual value, replacement value,
40 22 or the counterfeiter's regular selling price for the
40 23 item bearing or identified by a counterfeit mark, or
40 24 the intellectual property owner's regular selling
40 25 price for an item similar to the item bearing or
40 26 identified by a counterfeit mark.

40 27 Sec. _____. Section 717E.1, subsection 3, paragraph
40 28 a, if enacted by 2004 Iowa Acts, House File 2480,
40 29 section 1, is amended to read as follows:

40 30 a. The annual fair and exposition held by the Iowa
40 31 state fair board pursuant to chapter 173 or any fair
40 32 ~~held event conducted by a county or district fair~~ 40 33 agricultural society under the
provisions of chapter
40 34 174.

40 35 Sec. _____. Section 812.6, subsection 2, unnumbered
40 36 paragraph 1, if enacted by 2004 Iowa Acts, Senate File
40 37 2272, section 8, is amended to read as follows:

40 38 If the court finds by clear and convincing evidence
40 39 that the defendant poses a danger to the public peace
40 40 or safety, or that the defendant is otherwise not
40 41 qualified for pretrial release, or the defendant
40 42 refuses to cooperate with treatment, the court shall
40 43 commit the defendant to an appropriate inpatient
40 44 treatment facility as provided in ~~paragraphs~~ paragraph
40 45 "a" ~~and or~~ "b". The defendant shall receive mental
40 46 health treatment designed to restore the defendant to
40 47 competency.

40 48 Sec. _____. Sections 7D.15, 10D.1, 15.114, 15.221,
40 49 15E.64, 18A.11, 84A.1C, 225C.13, 303.3, 331.441,
40 50 357A.2, 357A.11, 357A.20, 357A.21, 357A.22A, 357A.23,
41 1 357A.24, 425.11, 476.1, 476.27, 480.3, 499.5, 499.5A,
41 2 500.3, 504C.1, 514.19, 514.23, and 515.1, Code 2003,
41 3 are amended by inserting before the figure "504A" the
41 4 following: "504 or", if 2004 Iowa Acts, Senate File
41 5 2274 is enacted.

41 6 Sec. _____. Sections 9H.1, 9H.4, 10B.1, 190C.6,
41 7 304A.21, 331.427, 357A.15, 422.45, 490.1701, 504B.1,
41 8 504B.6, 513C.10, 514.1, 514.2, 514.5, 616.10, 633.63,
41 9 and 716.6B, Code Supplement 2003, are amended by
41 10 inserting before the figure "504A" the following:
41 11 "504 or", if 2004 Iowa Acts, Senate File 2274 is
41 12 enacted.

41 13 Sec. _____. 2004 Iowa Acts, House File 401, section
41 14 1, is amended by striking the section and inserting in
41 15 lieu thereof the following:

41 16 SECTION 1. Section 404A.4, subsection 4, Code
41 17 Supplement 2003, is amended to read as follows:

41 18 4. The total amount of tax credits that may be
41 19 approved for a fiscal year under this chapter shall
41 20 not exceed two million four hundred thousand dollars.

41 21 For the fiscal years beginning July 1, 2005, and July
41 22 1, 2006, an additional five hundred thousand dollars
41 23 of tax credits may be approved each fiscal year for
41 24 purposes of projects located in cultural and
41 25 entertainment districts certified pursuant to section
41 26 303.3B. Any of the additional tax credits allocated
41 27 for projects located in certified cultural and
41 28 entertainment districts that are not approved during a
41 29 fiscal year may be carried over to the succeeding
41 30 fiscal year. ~~Tax credit certificates shall be issued~~
~~41 31 on the basis of the earliest awarding. The department~~
~~41 32 of cultural affairs shall establish by rule the~~
~~41 33 procedures for the application, review, selection, and~~
~~41 34 awarding of certifications of completion as provided~~
~~41 35 in subsection 1.~~ The departments of economic
41 36 development, cultural affairs, and revenue shall each
41 37 adopt rules to jointly administer this subsection and
41 38 shall provide by rule for the method to be used to
41 39 determine for which fiscal year the tax credits are
41 40 ~~approved~~ available.

41 41 Sec. _____. 2004 Iowa Acts, House File 2562, section
41 42 10, subsection 2, if enacted, is amended to read as
41 43 follows:

41 44 2. On and after July 1, 2005, an owner of an
41 45 electrical and mechanical amusement device as
41 46 described in subsection 1 shall not offer the device
41 47 for use by the public. However, the owner of a device
41 48 shall be permitted to sell the device to a
41 49 distributor, as defined in section 99B.1, as amended
41 50 by this Act, or to a person authorized to offer the
42 1 device to the public pursuant to section 99B.10,
42 2 subsection 4, as amended by this Act for which a class
42 3 "A", class "B", class "C", or class "D" liquor control
42 4 license ~~or class "B" or class "C" beer permit~~ has been
42 5 issued pursuant to chapter 123.

42 6 Sec. _____. 2004 Iowa Acts, Senate File 2070,
42 7 section 35, subsection 1, is amended to read as
42 8 follows:

42 9 1. Except as provided in subsections 2 through 4
42 10 ~~6~~, this Act takes effect January 1, 2005.

42 11 Sec. _____. The section of 2004 Iowa Acts, House
42 12 File 2489, amending section 523A.502, subsection 7, is
42 13 repealed if 2004 Iowa Acts, House File 2269, is
42 14 enacted.

42 15 Sec. _____. 2004 Iowa Acts, Senate File 2282,
42 16 section 1, if enacted, is amended to read as follows:

42 17 SECTION 1. LOESS HILLS STUDY AND REPORT. The
42 18 loess hills development and conservation authority, in
42 19 consultation with the state advisory board for
42 20 preserves, shall conduct a comprehensive study to
42 21 determine the archaeological and paleontological
42 22 significance and the significance of the flora and
42 23 fauna of the loess hills and to determine the
42 24 feasibility of designating land in the loess hills for
42 25 dedication as a state native prairie preserve and of
42 26 other various uses of the loess hills. The ~~natural~~
~~42 27 resource commission loess hills development and~~
~~42 28 conservation authority~~ may accept gifts, grants,
42 29 bequests, and other private contributions, as well as
42 30 federal, state, or local funds for the purposes of
42 31 conducting the study. The loess hills development and
42 32 conservation authority and the state advisory board
42 33 for preserves shall file a joint report containing
42 34 their findings and recommendations with the
42 35 legislative services agency by December 15, 2006, for
42 36 distribution to the general assembly.

42 37 Sec. _____. EFFECTIVE AND RETROACTIVE APPLICABILITY
42 38 DATES.

42 39 1. The sections of this division of this Act
42 40 amending sections 9H.1 and 10B.1, Code Supplement
42 41 2003, and 229.27, Code 2003, take effect January 1,
42 42 2005. The sections of this division of this Act
42 43 further amending sections 9H.1 and 10B.1, Code
42 44 Supplement 2003, and 229.27, Code 2003, as amended by
42 45 this division of this Act to take effect January 1,
42 46 2005, take effect January 1, 2006.

42 47 2. The section of this division of this Act
42 48 amending section 260C.18A, being deemed of immediate
42 49 importance, takes effect upon enactment and applies
42 50 retroactively to July 1, 2003.

43 1 3. The section of this division of this Act

43 2 amending 2004 Iowa Acts, Senate File 2070, being
43 3 deemed of immediate importance, takes effect upon
43 4 enactment and applies retroactively to the date of
43 5 enactment of Senate File 2070.

43 6 DIVISION _____

43 7 COMMUNITY ATTRACTION AND TOURISM FUND

43 8 Sec. _____. Section 15F.204, subsection 3, Code
43 9 2003, is amended to read as follows:

43 10 3. The fund shall be used to provide assistance
43 11 only from funds, rights, and assets legally available
43 12 to the board in the form of grants, loans, forgivable
43 13 loans, and credit enhancements and financing
43 14 instruments under the community attraction and tourism
43 15 program established in section 15F.202. A project
43 16 with a total cost exceeding twenty million dollars may
43 17 receive financial assistance under the program. An
43 18 applicant under the community attraction and tourism
43 19 program shall not receive financial assistance from
43 20 the fund in an amount exceeding fifty percent of the
43 21 total cost of the project.

43 22 Sec. _____. Section 15F.204, Code 2003, is amended
43 23 by adding the following new subsection:

43 24 NEW SUBSECTION. 8. a. There is appropriated from
43 25 the rebuild Iowa infrastructure fund to the community
43 26 attraction and tourism fund, the following amounts:

43 27 (1) For the fiscal year beginning July 1, 2004,
43 28 and ending June 30, 2005, the sum of twelve million
43 29 dollars.

43 30 (2) For the fiscal year beginning July 1, 2005,
43 31 and ending June 30, 2006, the sum of five million
43 32 dollars.

43 33 (3) For the fiscal year beginning July 1, 2006,
43 34 and ending June 30, 2007, the sum of five million
43 35 dollars.

43 36 (4) For the fiscal year beginning July 1, 2007,
43 37 and ending June 30, 2008, the sum of five million
43 38 dollars.

43 39 (5) For the fiscal year beginning July 1, 2008,
43 40 and ending June 30, 2009, the sum of five million
43 41 dollars.

43 42 (6) For the fiscal year beginning July 1, 2009,
43 43 and ending June 30, 2010, the sum of five million
43 44 dollars.

43 45 b. There is appropriated from the franchise tax
43 46 revenues deposited in the general fund of the state to
43 47 the community attraction and tourism fund, the
43 48 following amounts:

43 49 (1) For the fiscal year beginning July 1, 2005,
43 50 and ending June 30, 2006, the sum of seven million
44 1 dollars.

44 2 (2) For the fiscal year beginning July 1, 2006,
44 3 and ending June 30, 2007, the sum of seven million
44 4 dollars.

44 5 (3) For the fiscal year beginning July 1, 2007,
44 6 and ending June 30, 2008, the sum of seven million
44 7 dollars.

44 8 (4) For the fiscal year beginning July 1, 2008,
44 9 and ending June 30, 2009, the sum of seven million
44 10 dollars.

44 11 (5) For the fiscal year beginning July 1, 2009,
44 12 and ending June 30, 2010, the sum of seven million
44 13 dollars.

44 14 Notwithstanding the allocation requirements in
44 15 subsection 5, the board may make a multiyear
44 16 commitment to an applicant of up to four million
44 17 dollars in any one fiscal year.

44 18 DIVISION _____

44 19 REGULATORY EFFICIENCY COMMISSION

44 20 Sec. _____. REGULATORY EFFICIENCY COMMISSION.

44 21 1. A regulatory efficiency commission is
44 22 established for purposes of identifying unneeded
44 23 regulations, fines, and fees that hinder business
44 24 development. The commission shall also identify
44 25 methods for streamlining access to regulatory
44 26 information.

44 27 2. The commission shall consist of eight voting
44 28 members appointed by the governor and four ex officio
44 29 members.

44 30 a. The eight voting members appointed by the
44 31 governor are subject to the requirements of sections
44 32 69.16, 69.16A, and 69.19. The eight members shall

44 33 consist of the following:

44 34 (1) Two members shall be economic development
44 35 representatives from two different chambers of
44 36 commerce. One shall be from a metropolitan area with
44 37 more than fifty thousand people and one shall be from
44 38 a metropolitan area with fifty thousand people or
44 39 less.

44 40 (2) Two members representing agricultural
44 41 interests.

44 42 (3) One member representing the Iowa association
44 43 of business and industry.

44 44 (4) Two members representing commercial-based and
44 45 manufacturing-based businesses.

44 46 (5) One member representing the Iowa environmental
44 47 council.

44 48 b. The four ex officio members shall be members of
44 49 the general assembly. Two members shall be from the
44 50 senate and two members shall be from the house of
45 1 representatives, with not more than one member from
45 2 each chamber being from the same political party. The
45 3 two senators shall be designated by the president of
45 4 the senate after consultation with the majority and
45 5 minority leaders of the senate. The two
45 6 representatives shall be designated by the speaker of
45 7 the house of representatives after consultation with
45 8 the majority and minority leaders of the house of
45 9 representatives. Legislative members shall serve in
45 10 an ex officio, nonvoting capacity.

45 11 3. Meetings of the commission are subject to the
45 12 provisions of chapter 21.

45 13 4. By January 10, 2005, the commission shall
45 14 submit a written report to the governor and the
45 15 general assembly. The report shall include the
45 16 findings and legislative recommendations of the
45 17 commission. The report shall be distributed by the
45 18 secretary of the senate and the chief clerk of the
45 19 house of representatives to the chairpersons and
45 20 members of the administrative rules review committee
45 21 and the economic growth committees in the senate and
45 22 the house of representatives.

45 23 DIVISION ____
45 24 WIND ENERGY TAX CREDITS

45 25 Sec. ____ NEW SECTION. 422.11J WIND ENERGY
45 26 PRODUCTION TAX CREDIT.

45 27 The taxes imposed under this division, less the
45 28 credits allowed under sections 422.12 and 422.12B,
45 29 shall be reduced by a wind energy production tax
45 30 credit allowed under chapter 476B.

45 31 Sec. ____ Section 422.33, Code Supplement 2003, is
45 32 amended by adding the following new subsection:

45 33 NEW SUBSECTION. 16. The taxes imposed under this
45 34 division shall be reduced by a wind energy production
45 35 tax credit allowed under chapter 476B.

45 36 Sec. ____ Section 422.60, Code Supplement 2003, is
45 37 amended by adding the following new subsection:

45 38 NEW SUBSECTION. 9. The taxes imposed under this
45 39 division shall be reduced by a wind energy production
45 40 tax credit allowed under chapter 476B.

45 41 Sec. ____ NEW SECTION. 432.12E WIND ENERGY
45 42 PRODUCTION TAX CREDIT.

45 43 The taxes imposed under this chapter shall be
45 44 reduced by a wind energy production tax credit allowed
45 45 under chapter 476B.

45 46 Sec. ____ Section 437A.6, subsection 1, paragraph
45 47 c, Code 2003, is amended to read as follows:

45 48 c. Wind energy conversion property subject to
45 49 section 427B.26 or eligible for a tax credit under
45 50 chapter 476B.

46 1 Sec. ____ NEW SECTION. 476B.1 DEFINITIONS.

46 2 For purposes of this chapter, unless the context
46 3 otherwise requires:

46 4 1. "Board" means the utilities board within the
46 5 utilities division of the department of commerce.

46 6 2. "Department" means the department of revenue.

46 7 3. "Qualified electricity" means electricity
46 8 produced from wind at a qualified facility.

46 9 4. "Qualified facility" means an electrical
46 10 production facility that meets all of the following:

46 11 a. Produces electricity from wind.

46 12 b. Is located in Iowa.

46 13 c. Was originally placed in service on or after

46 14 July 1, 2004, but before July 1, 2007.

46 15 Sec. _____. NEW SECTION. 476B.2 GENERAL RULE.

46 16 The owner of a qualified facility shall, for each
46 17 kilowatt-hour of qualified electricity that the owner
46 18 sells during the ten-year period beginning on the date
46 19 the qualified facility was originally placed in
46 20 service, be allowed a wind energy production tax
46 21 credit to the extent provided in this chapter against
46 22 the tax imposed in chapter 422, divisions II, III, and
46 23 V, and chapter 432.

46 24 Sec. _____. NEW SECTION. 476B.3 CREDIT AMOUNT.

46 25 1. Except as limited by subsection 2, the wind
46 26 energy production tax credit allowed under this
46 27 chapter equals the product of one cent multiplied by
46 28 the number of kilowatt-hours of qualified electricity
46 29 sold by the owner during the taxable year.

46 30 2. a. The maximum amount of tax credit which a
46 31 group of qualified facilities operating as one unit
46 32 may receive for a taxable year equals the rate of
46 33 credit times thirty-two percent of the total number of
46 34 kilowatts of nameplate generating capacity.

46 35 b. However, if for the previous taxable year the
46 36 amount of the tax credit for the group of qualified
46 37 facilities operating as one unit is less than the
46 38 maximum amount available as provided in paragraph "a",
46 39 the maximum amount for the next taxable year shall be
46 40 increased by the amount of the previous year's unused
46 41 maximum credit.

46 42 Sec. _____. NEW SECTION. 476B.4 LIMITATIONS.

46 43 1. a. The wind energy production tax credit shall
46 44 not be allowed for any kilowatt-hour of electricity
46 45 produced on wind energy conversion property for which
46 46 the owner has claimed or otherwise received for that
46 47 property the benefit of special valuation under
46 48 section 427B.26 or section 441.21, subsection 8, or
46 49 the exemption from retail sales tax under section
46 50 422.45, subsection 48, or section 423.3, subsection

47 1 53, as applicable.
47 2 b. The disallowance of the tax credit pursuant to
47 3 paragraph "a" does not apply to an owner of a
47 4 qualified facility that owns, directly or indirectly,
47 5 in the aggregate, a total annual turbine nameplate
47 6 capacity of all such property of less than one
47 7 megawatt. A qualified facility under this paragraph
47 8 shall not be owned by more than one person.

47 9 2. The wind energy production tax credit shall not
47 10 be allowed for any kilowatt-hour of electricity that
47 11 is sold to a related person. For purpose of this
47 12 subsection, persons shall be treated as related to
47 13 each other if such persons would be treated as a
47 14 single employer under the regulations prescribed under
47 15 section 52(b) of the Internal Revenue Code. In the
47 16 case of a corporation that is a member of an
47 17 affiliated group of corporations filing a consolidated
47 18 return, such corporation shall be treated as selling
47 19 electricity to an unrelated person if such electricity
47 20 is sold to such a person by another member of such
47 21 group.

47 22 Sec. _____. NEW SECTION. 476B.5 APPLICATION FOR
47 23 TAX CREDIT CERTIFICATES.

47 24 1. a. To be eligible to receive the wind energy
47 25 production tax credit, the owner must first receive
47 26 approval of the board of supervisors of the county in
47 27 which the qualified facility is located. The
47 28 application for approval may be submitted prior to
47 29 commencement of the construction of the qualified
47 30 facility but shall be submitted no later than the
47 31 close of the owner's first taxable year for which the
47 32 credit is to be applied for. The application must
47 33 contain the owner's name and address, the address of
47 34 the qualified facility, and the dates of the owner's
47 35 first and last taxable years for which the credit will
47 36 be applied for. Within forty-five days of the receipt
47 37 of the application for approval, the board of
47 38 supervisors shall either approve or disapprove the
47 39 application. After the forty-five-day limit, the
47 40 application is deemed to be approved.

47 41 b. Upon approval of the application, the owner may
47 42 apply for the tax credit as provided in subsection 2.
47 43 In addition, approval of the application is acceptance
47 44 by the applicant for the assessment of the qualified

47 45 facility for property tax purposes for a period of
47 46 twelve years and approval by the board of supervisors
47 47 for the payment of the property taxes levied on the
47 48 qualified property to the state. For purposes of
47 49 property taxation, the qualified facility shall be
47 50 centrally assessed and shall be exempt from any
48 1 replacement tax under section 437A.6 for the period
48 2 during which the facility is subject to property
48 3 taxation. The property taxes to be paid to the state
48 4 are those property taxes which make up the
48 5 consolidated tax levied on the qualified facility and
48 6 which are due and payable in the twelve-year period
48 7 beginning with the first fiscal year beginning on or
48 8 after the end of the owner's first taxable year for
48 9 which the credit is applied for. Upon approval of the
48 10 application, the board of supervisors shall notify the
48 11 county treasurer to state on the tax statement which
48 12 lists the taxes on the qualified facility that the
48 13 amount of the property taxes shall be paid to the
48 14 department. Payment of the designated property taxes
48 15 to the department shall be in the same manner as
48 16 required for the payment of regular property taxes and
48 17 failure to pay designated property taxes to the
48 18 department shall be treated the same as failure to pay
48 19 property taxes to the county treasurer.

48 20 c. Once the owner of the qualified facility
48 21 receives approval under paragraph "a", subsequent
48 22 approval under paragraph "a" is not required for the
48 23 same qualified facility for subsequent taxable years.

48 24 2. To receive the wind energy production tax
48 25 credit, an owner of the qualified facility must submit
48 26 an application for a tax credit certificate to the
48 27 board not later than thirty days after the close of
48 28 the taxable year for which the credit is applied for.
48 29 The owner's application must contain, but need not be
48 30 limited to, all of the following information: the
48 31 owner's name, tax identification number, and address,
48 32 the number of kilowatt-hours of qualified electricity
48 33 sold by the owner during the preceding taxable year,
48 34 the address of the qualified facility at which the
48 35 qualified electricity was produced, and the
48 36 denomination that each tax credit certificate is to
48 37 carry. For the first taxable year for which the
48 38 credit is applied for, there shall be attached to the
48 39 application a notarized copy of the board of
48 40 supervisors' approval as required in subsection 1.

48 41 3. The board shall, in conjunction with the
48 42 department, prescribe appropriate forms, including
48 43 board of supervisors' approval forms, and instructions
48 44 to enable owners to claim the tax credit allowed under
48 45 this chapter. If the board prescribes these forms and
48 46 instructions, an owner's application for a tax credit
48 47 certificate shall not be valid unless made on and in
48 48 accordance with these forms and instructions.

48 49 Sec. ____ NEW SECTION. 476B.6 ISSUANCE OF TAX
48 50 CREDIT CERTIFICATES.

49 1 1. If the owner meets the criteria for eligibility
49 2 for the wind energy production tax credit, the board
49 3 shall determine the validity of the application and if
49 4 valid, shall approve the application for credit. Once
49 5 approval of the credit for a qualified facility is
49 6 granted, subsequent approval is not required for the
49 7 same qualified facility. However, application is
49 8 required to be filed as provided in section 476B.5,
49 9 subsection 2, for purposes of the issuance of credit
49 10 certificates. The board shall issue one or more tax
49 11 credit certificates to the owner not later than thirty
49 12 days after the application is submitted to the board.
49 13 Each tax credit certificate must contain the owner's
49 14 name, address, and tax identification number, amount
49 15 of tax credits, the first taxable year the
49 16 certificates may be used, which shall not be for a
49 17 taxable year beginning prior to July 1, 2005, and the
49 18 expiration date of the tax credit certificate, which
49 19 shall be seven years from its date of issuance and any
49 20 other information required by the department. Once
49 21 issued by the board, the tax credit certificate shall
49 22 be binding on the board and the department and shall
49 23 not be modified, terminated, or rescinded. The board
49 24 shall notify the department and identify the qualified
49 25 facility for which the owner received tax credit

49 26 certificates that property taxes levied on the
49 27 qualified facility are to be paid to the department.
49 28 2. If the tax credit application is filed by a
49 29 partnership, limited liability company, S corporation,
49 30 estate, trust, or other reporting entity all of the
49 31 income of which is taxed directly to its equity
49 32 holders or beneficiaries, the tax credit certificate
49 33 may, at the election of the owner, be issued directly
49 34 to equity holders or beneficiaries of the owner in
49 35 proportion to their pro rata share of the income of
49 36 such entity. If the owner elects to have the tax
49 37 credit certificate issued directly to its equity
49 38 holders or beneficiaries, the owner must, in the
49 39 application made under section 476B.5, identify its
49 40 equity holders or beneficiaries, and the amount of
49 41 such entity's income that is allocable to each equity
49 42 holder or beneficiary.

49 43 Sec. _____. NEW SECTION. 476B.7 TRANSFER OF TAX
49 44 CREDIT CERTIFICATES.

49 45 Wind energy production tax credit certificates
49 46 issued under this chapter may be transferred to any
49 47 person or entity. Within thirty days of transfer, the
49 48 transferee must submit the transferred tax credit
49 49 certificate to the board along with a statement
49 50 containing the transferee's name, tax identification
50 1 number, and address, and the denomination that each
50 2 replacement tax credit certificate is to carry and any
50 3 other information required by the department. Within
50 4 thirty days of receiving the transferred tax credit
50 5 certificate and the transferee's statement, the board
50 6 shall issue one or more replacement tax credit
50 7 certificates to the transferee. Each replacement
50 8 certificate must contain the information required
50 9 under section 476B.6 and must have the same effective
50 10 taxable year and the same expiration date that
50 11 appeared in the transferred tax credit certificate.
50 12 Tax credit certificate amounts of less than the
50 13 minimum amount established by rule of the board shall
50 14 not be transferable. A tax credit shall not be
50 15 claimed by a transferee under this chapter until a
50 16 replacement tax credit certificate identifying the
50 17 transferee as the proper holder has been issued.
50 18 The tax credit shall only be transferred once. The
50 19 transferee may use the amount of the tax credit
50 20 transferred against the taxes imposed under chapter
50 21 422, divisions II, III, and V, and chapter 432 for any
50 22 tax year the original transferor could have claimed
50 23 the tax credit. Any consideration received for the
50 24 transfer of the tax credit shall not be included as
50 25 income under chapter 422, divisions II, III, and V.
50 26 Any consideration paid for the transfer of the tax
50 27 credit shall not be deducted from income under chapter
50 28 422, divisions II, III, and V.

50 29 Sec. _____. NEW SECTION. 476B.8 USE OF TAX CREDIT
50 30 CERTIFICATES.

50 31 To claim a wind energy production tax credit under
50 32 this chapter, a taxpayer must attach one or more tax
50 33 credit certificates to the taxpayer's tax return. A
50 34 tax credit certificate shall not be used or attached
50 35 to a return filed for a taxable year beginning prior
50 36 to July 1, 2005. The tax credit certificate or
50 37 certificates attached to the taxpayer's tax return
50 38 shall be issued in the taxpayer's name, expire on or
50 39 after the last day of the taxable year for which the
50 40 taxpayer is claiming the tax credit, and show a tax
50 41 credit amount equal to or greater than the tax credit
50 42 claimed on the taxpayer's tax return. Any tax credit
50 43 in excess of the taxpayer's tax liability for the
50 44 taxable year may be credited to the taxpayer's tax
50 45 liability for the following seven taxable years or
50 46 until depleted, whichever is the earlier.

50 47 Sec. _____. NEW SECTION. 476B.9 REGISTRATION OF
50 48 TAX CREDIT CERTIFICATES.

50 49 The board shall, in conjunction with the
50 50 department, develop a system for the registration of
51 1 the wind energy production tax credit certificates
51 2 issued or transferred under this chapter and a system
51 3 that permits verification that any tax credit claimed
51 4 on a tax return is valid and that transfers of the tax
51 5 credit certificates are made in accordance with the
51 6 requirements of this chapter. The tax credit

51 7 certificates issued under this chapter shall not be
51 8 classified as a security pursuant to chapter 502.
51 9 Sec. _____. EFFECTIVE AND APPLICABILITY DATES. This
51 10 division of this Act, being deemed of immediate
51 11 importance, takes effect upon enactment and applies
51 12 retroactively to taxable years beginning on or after
51 13 January 1, 2004.

51 14 DIVISION ____

51 15 LICENSED INTERPRETER FOR THE HEARING IMPAIRED

51 16 Sec. _____. Section 147.1, subsection 2, paragraph
51 17 c, Code 2003, is amended to read as follows:

51 18 c. "Licensed" or "certified" when applied to a
51 19 physician and surgeon, podiatric physician, osteopath,
51 20 osteopathic physician and surgeon, physician
51 21 assistant, psychologist or associate psychologist,
51 22 chiropractor, nurse, dentist, dental hygienist,
51 23 optometrist, speech pathologist, audiologist,
51 24 pharmacist, physical therapist, occupational
51 25 therapist, respiratory care practitioner, practitioner
51 26 of cosmetology arts and sciences, practitioner of
51 27 barbering, funeral director, dietitian, marital and
51 28 family therapist, mental health counselor, social
51 29 worker, massage therapist, athletic trainer, ~~or~~
51 30 acupuncturist, or interpreter for the hearing
51 31 impaired, means a person licensed under this subtitle.

51 32 Sec. _____. Section 147.1, subsection 2, paragraph
51 33 f, Code 2003, is amended to read as follows:

51 34 f. "Profession" means medicine and surgery,
51 35 podiatry, osteopathy, osteopathic medicine and
51 36 surgery, practice as a physician assistant,
51 37 psychology, chiropractic, nursing, dentistry, dental
51 38 hygiene, optometry, speech pathology, audiology,
51 39 pharmacy, physical therapy, occupational therapy,
51 40 respiratory care, cosmetology arts and sciences,
51 41 barbering, mortuary science, marital and family
51 42 therapy, mental health counseling, social work,
51 43 dietetics, massage therapy, athletic training, ~~or~~
51 44 acupuncture, or interpreting for the hearing impaired.

51 45 Sec. _____. Section 147.2, unnumbered paragraph 1,
51 46 Code 2003, is amended to read as follows:

51 47 A person shall not engage in the practice of
51 48 medicine and surgery, podiatry, osteopathy,
51 49 osteopathic medicine and surgery, psychology,
51 50 chiropractic, physical therapy, nursing, dentistry,
52 1 dental hygiene, optometry, speech pathology,
52 2 audiology, occupational therapy, respiratory care,
52 3 pharmacy, cosmetology, barbering, social work,
52 4 dietetics, marital and family therapy or mental health
52 5 counseling, massage therapy, mortuary science, ~~or~~
52 6 acupuncture, or interpreting for the hearing impaired,
52 7 or shall not practice as a physician assistant as
52 8 defined in the following chapters of this subtitle,
52 9 unless the person has obtained from the department a
52 10 license for that purpose.

52 11 Sec. _____. Section 147.13, Code 2003, is amended by
52 12 adding the following new subsection:

52 13 NEW SUBSECTION. 2l. For interpreters, interpreter
52 14 for the hearing impaired examiners.

52 15 Sec. _____. Section 147.14, Code 2003, is amended by
52 16 adding the following new subsection:

52 17 NEW SUBSECTION. 2l. For interpreting for the
52 18 hearing impaired, four members licensed to practice
52 19 interpreting, three of whom shall be practicing
52 20 interpreters at the time of appointment to the board
52 21 and at least one of whom is employed in an educational
52 22 setting; and three members who are consumers of
52 23 interpreting services as defined in section 154E.1,
52 24 each of whom shall be deaf. A majority of members of
52 25 the board constitutes a quorum.

52 26 Sec. _____. Section 147.74, Code Supplement 2003, is
52 27 amended by adding the following new subsection:

52 28 NEW SUBSECTION. 21A. An interpreter licensed
52 29 under chapter 154E and this chapter may use the title
52 30 "licensed interpreter" or the letters "L.I." after the
52 31 person's name.

52 32 Sec. _____. Section 147.80, Code Supplement 2003, is
52 33 amended by adding the following new subsection:

52 34 NEW SUBSECTION. 28A. License to practice
52 35 interpreting, license to practice interpreting under a
52 36 reciprocal license, or renewal of a license to
52 37 practice interpreting.

52 38 Sec. ____ . NEW SECTION. 154E.1 DEFINITIONS.

52 39 As used in this chapter, unless the context
52 40 otherwise requires:

52 41 1. "Board" means the board of interpreter for the
52 42 hearing impaired examiners established in chapter 147.

52 43 2. "Consumer" means an individual utilizing
52 44 interpreting services who uses spoken English,
52 45 American sign language, or a manual form of English.

52 46 3. "Department" means the Iowa department of
52 47 public health.

52 48 4. "Interpreter training program" means a post=
52 49 secondary education program training individuals to
52 50 interpret or transliterate.

53 1 5. "Interpreting" means facilitating communication
53 2 between individuals who communicate via American sign
53 3 language and individuals who communicate via spoken
53 4 English.

53 5 6. "Licensee" means any person licensed to
53 6 practice interpreting or transliterating for deaf,
53 7 hard-of-hearing, and hearing individuals in the state
53 8 of Iowa.

53 9 7. "Transliterating" means facilitating
53 10 communication between individuals who communicate via
53 11 a manual form of English and individuals who
53 12 communicate via spoken English.

53 13 Sec. ____ . NEW SECTION. 154E.2 DUTIES OF THE
53 14 BOARD.

53 15 The board shall administer this chapter. The
53 16 board's duties shall include, but are not limited to,
53 17 the following:

53 18 1. Adopt rules consistent with this chapter and
53 19 with chapter 147 which are necessary for the
53 20 performance of its duties.

53 21 2. Act on matters concerning licensure and the
53 22 process of applying for, granting, suspending,
53 23 imposing supervisory or probationary conditions upon,
53 24 reinstating, and revoking a license.

53 25 3. Establish and collect licensure fees. The
53 26 board shall establish the amounts of license and
53 27 renewal fees based upon the actual costs of sustaining
53 28 the board and the actual costs of issuing the
53 29 licenses, and all fees collected shall be deposited
53 30 with the treasurer of state who shall deposit them in
53 31 the general fund of the state.

53 32 4. Administer the provisions of this chapter
53 33 regarding documentation required to demonstrate
53 34 competence as an interpreter, and the processing of
53 35 applications for licenses and license renewals.

53 36 5. Establish and maintain as a matter of public
53 37 record a registry of interpreters licensed pursuant to
53 38 this chapter.

53 39 6. Develop continuing education requirements as a
53 40 condition of license renewal.

53 41 7. Evaluate requirements for licensure in other
53 42 states to determine if reciprocity may be granted.

53 43 Sec. ____ . NEW SECTION. 154E.3 REQUIREMENTS FOR
53 44 LICENSURE.

53 45 On or after July 1, 2005, every person providing
53 46 interpreting or transliterating services in this state
53 47 shall be licensed pursuant to this chapter. The board
53 48 shall adopt rules pursuant to chapters 17A, 147, and
53 49 272C establishing procedures for the licensing of new
53 50 and existing interpreters. Prior to obtaining

54 1 licensure, an applicant shall successfully pass an
54 2 examination prescribed and approved by the board,
54 3 demonstrating the following:

54 4 1. VOICE-TO-SIGN INTERPRETATION. An applicant
54 5 shall demonstrate proficiency at:

54 6 a. Message equivalence, producing a true and
54 7 accurate signed form of the spoken message,
54 8 maintaining the integrity of content and meaning, and
54 9 exhibiting few omissions, substitutions, or other
54 10 errors.

54 11 b. Affect, producing nonmanual grammar consistent
54 12 with the intent and emotion of the speaker, and
54 13 exhibiting no distracting mannerisms.

54 14 c. Vocabulary choice, making correct sign choices
54 15 appropriate to the setting and consumers, applying
54 16 facial grammar consistent with sign choice, selecting
54 17 signs that remain true to speaker's intent, and
54 18 demonstrating lexical variety.

54 19 d. Fluency, displaying confidence in production,
54 20 exhibiting a strong command of American sign language
54 21 or manual codes for English, applying nonmanual
54 22 behaviors consistent with the speaker's intent, and
54 23 demonstrating understanding of and sensitivity to
54 24 cultural differences.

54 25 2. SIGN=TO=VOICE INTERPRETATION. An applicant
54 26 shall demonstrate proficiency at:

54 27 a. Message equivalence, producing a true and
54 28 accurate spoken form of the signed message,
54 29 maintaining the integrity of content and meaning, and
54 30 exhibiting few omissions, substitutions, or other
54 31 errors.

54 32 b. Affect, producing inflection consistent with
54 33 the intent and emotion of the speaker, and exhibiting
54 34 no distracting mannerisms.

54 35 c. Vocabulary choice, making correct word choices
54 36 appropriate to the setting and consumers, using vocal
54 37 inflection consistent with word choice, selecting
54 38 words that remain true to the speaker's intent, and
54 39 demonstrating lexical variety.

54 40 d. Fluency, displaying confidence in production,
54 41 exhibiting a strong command of English in both spoken
54 42 and written forms, applying vocal inflections
54 43 consistent with the speaker's intent, and
54 44 demonstrating understanding of and sensitivity to
54 45 cultural differences.

54 46 3. PROFESSIONAL CONDUCT. An applicant shall
54 47 demonstrate:

54 48 a. Proficiency in functioning as a communicator of
54 49 messages between the sender and receiver, and
54 50 educating consumers of services about the functions
55 1 and logistics of the interpreting process.

55 2 b. An impartial demeanor, refraining from
55 3 interjecting opinions or advice and from aligning with
55 4 one party over another. An applicant shall treat all
55 5 people fairly and respectfully regardless of their
55 6 relationship to the interpreting assignment, and
55 7 present a professional appearance that is not visually
55 8 distracting and is appropriate to the setting. An
55 9 applicant shall exhibit knowledge and application of
55 10 federal and state laws pertaining to the interpreting
55 11 profession.

55 12 c. Integrity, and shall be proficient in
55 13 understanding and applying ethical behavior
55 14 appropriate for a licensee. An applicant shall
55 15 demonstrate discretion in accepting and meeting
55 16 interpreter services requests, and shall engage
55 17 actively in lifelong learning.

55 18 Sec. ____ . NEW SECTION. 154E.4 EXCEPTIONS.

55 19 1. A person shall not practice interpreting or
55 20 transliterating, or represent oneself to be an
55 21 interpreter, unless the person is licensed under this
55 22 chapter.

55 23 2. This chapter does not prohibit any of the
55 24 following:

55 25 a. Any person residing outside of the state of
55 26 Iowa holding a current license from another state that
55 27 meets the state of Iowa's requirements from providing
55 28 interpreting or transliterating services in this state
55 29 for up to fourteen days per calendar year without a
55 30 license issued pursuant to this chapter.

55 31 b. Any person who interprets or transliterates
55 32 solely in a religious setting with the exception of
55 33 those working in schools that receive government
55 34 funding.

55 35 c. Volunteers working without compensation,
55 36 including emergency situations, until a licensed
55 37 interpreter is obtained.

55 38 d. Any person working as a substitute for a
55 39 licensed interpreter in an early childhood,
55 40 elementary, or secondary education setting for no more
55 41 than thirty school days in a calendar year.

55 42 Sec. ____ . Section 272C.1, subsection 6, Code 2003,
55 43 is amended by adding the following new paragraph:

55 44 NEW PARAGRAPH. ad. The board of interpreter for
55 45 the hearing impaired examiners, created pursuant to
55 46 chapter 154E.

55 47 Sec. ____ . INTERPRETER STANDARDS AND REGULATIONS.

55 48 There is appropriated from the general fund of the
55 49 state to the Iowa department of public health, for the

55 50 fiscal year beginning July 1, 2004, and ending June
56 1 30, 2005, the following amount, or so much thereof as
56 2 is necessary, for the purpose designated:
56 3 For protecting the health and safety of the public
56 4 through establishing standards and enforcing
56 5 regulations of interpreters for the deaf, hard-of=
56 6 hearing, and hearing impaired, and for not more than
56 7 the following full-time equivalent positions:
56 8 \$ 60,390
56 9 FTEs 1.00

56 10 Sec. ____ TRANSITION PROVISIONS.

56 11 1. The board of interpreter for the hearing
56 12 impaired examiners shall be provisionally established
56 13 as provided in section 147.14, as amended in this
56 14 division of this Act, effective July 1, 2004, for the
56 15 sole purpose of appointment of members and organizing,
56 16 planning, and adopting rules, as described in section
56 17 154E.2, as enacted in this division of this Act, which
56 18 rules shall be effective July 1, 2005. The board
56 19 shall become fully operational July 1, 2007, as
56 20 provided in this division of this Act.

56 21 2. Applicants for licensure under chapter 154E who
56 22 have not passed a licensure examination approved by
56 23 the board by July 1, 2005, shall be issued a temporary
56 24 license to practice interpreting for a period of two
56 25 years, commencing on July 1, 2005.

56 26 3. Applicants issued a temporary license pursuant
56 27 to this section shall pass a licensure examination
56 28 approved by the board on or before July 1, 2007, in
56 29 order to remain licensed as an interpreter.

56 30 Sec. ____ EFFECTIVE DATE. This division of this
56 31 Act providing for the licensing of interpreters by
56 32 amending chapters 147 and 272C and enacting chapter
56 33 154E takes effect July 1, 2005.

56 34 DIVISION ____
56 35 INCOME TAX CHECKOFFS

56 36 Sec. ____ NEW SECTION. 100B.13 VOLUNTEER FIRE
56 37 FIGHTER PREPAREDNESS FUND.

56 38 1. A volunteer fire fighter preparedness fund is
56 39 created as a separate and distinct fund in the state
56 40 treasury under the control of the division of fire
56 41 protection of the department of public safety.

56 42 2. Revenue for the volunteer fire fighter
56 43 preparedness fund shall include, but is not limited
56 44 to, the following:

56 45 a. Moneys credited to the fund pursuant to section
56 46 422.12F.

56 47 b. Moneys in the form of a devise, gift, bequest,
56 48 donation, or federal or other grant intended to be
56 49 used for the purposes of the fund.

56 50 3. Moneys in the volunteer fire fighter
57 1 preparedness fund are not subject to section 8.33.
57 2 Notwithstanding section 12C.7, subsection 2, interest
57 3 or earnings on moneys in the fund shall be credited to
57 4 the fund.

57 5 4. Moneys in the volunteer fire fighter
57 6 preparedness fund are appropriated to the division of
57 7 fire protection of the department of public safety to
57 8 be used annually to pay the costs of providing
57 9 volunteer fire fighter training around the state and
57 10 to pay the costs of providing volunteer fire fighting
57 11 equipment.

57 12 Sec. ____ Section 314.28, Code 2003, is reenacted
57 13 to read as follows:

57 14 314.28 KEEP IOWA BEAUTIFUL FUND.

57 15 A keep Iowa beautiful fund is created in the office
57 16 of the treasurer of state. The fund is composed of
57 17 moneys appropriated or available to and obtained or
57 18 accepted by the treasurer of state for deposit in the
57 19 fund. The fund shall include moneys credited to the
57 20 fund as provided in section 422.12A. All interest
57 21 earned on moneys in the fund shall be credited to and
57 22 remain in the fund. Section 8.33 does not apply to
57 23 moneys in the fund.

57 24 Moneys in the fund are subject to appropriation by
57 25 the general assembly annually for the purposes of
57 26 educating and encouraging Iowans to take greater
57 27 responsibility for improving their community
57 28 environment and enhancing the beauty of the state
57 29 through litter prevention, improving waste management
57 30 and recycling efforts, and beautification projects.

57 31 The department may authorize payment of moneys
57 32 appropriated from the fund to the department upon
57 33 approval of an application from a private or public
57 34 organization. The applicant shall submit a plan for
57 35 litter prevention, improving waste management and
57 36 recycling efforts, or a beautification project along
57 37 with its application. The department shall establish
57 38 standards relating to the type of projects available
57 39 for assistance.

57 40 Sec. _____. Section 422.12A, Code Supplement 2003,
57 41 is reenacted to read as follows:

57 42 422.12A INCOME TAX REFUND CHECKOFF FOR KEEP IOWA
57 43 BEAUTIFUL FUND.

57 44 1. A person who files an individual or a joint
57 45 income tax return with the department of revenue under
57 46 section 422.13 may designate one dollar or more to be
57 47 paid to the keep Iowa beautiful fund as created in
57 48 section 314.28. If the refund due on the return or
57 49 the payment remitted with the return is insufficient
57 50 to pay the additional amount designated by the
58 1 taxpayer to the keep Iowa beautiful fund, the amount
58 2 designated shall be reduced to the remaining amount of
58 3 refund or the remaining amount remitted with the
58 4 return. The designation of a contribution to the keep
58 5 Iowa beautiful fund under this section is irrevocable.

58 6 2. The director of revenue shall draft the income
58 7 tax form to allow the designation of contributions to
58 8 the keep Iowa beautiful fund on the tax return. The
58 9 department of revenue, on or before January 31, shall
58 10 certify the total amount designated on the tax return
58 11 forms due in the preceding calendar year and shall
58 12 report the amount to the treasurer of state. The
58 13 treasurer of state shall credit the amount to the keep
58 14 Iowa beautiful fund. However, before a checkoff
58 15 pursuant to this section shall be permitted, all
58 16 liabilities on the books of the department of revenue
58 17 and accounts identified as owing under section 421.17
58 18 and the political contribution allowed under section
58 19 68A.601 shall be satisfied.

58 20 3. Moneys in the fund are subject to appropriation
58 21 as provided in section 314.28.

58 22 4. The department of revenue shall adopt rules to
58 23 administer this section.

58 24 5. This section is subject to repeal under section
58 25 422.12E.

58 26 Sec. _____. Section 422.12E, Code Supplement 2003,
58 27 is amended to read as follows:

58 28 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.

58 29 For tax years beginning on or after January 1, ~~1995~~
58 30 2004, there shall be allowed no more than ~~three~~ four
58 31 income tax return checkoffs on each income tax return.
58 32 When the same ~~three~~ four income tax return checkoffs
58 33 have been provided on the income tax return for ~~three~~
58 34 two consecutive years, the ~~checkoff~~ two checkoffs for
58 35 which the least amount has been contributed, in the
58 36 aggregate for the first ~~two~~ years year and through
58 37 March 15 of the ~~third~~ second tax year, ~~shall be~~ <
58 38 repealed. This section does not apply to the income
58 39 tax return checkoffs provided in section 68A.601.

58 40 If more checkoffs are enacted in the same session
58 41 of the general assembly than there is space for
58 42 inclusion on the individual tax return form, the
58 43 earliest enacted checkoffs for which there is space
58 44 for inclusion on the return form shall be included on
58 45 the return form, and all other checkoffs enacted
58 46 during that session of the general assembly are
58 47 repealed.

58 48 Sec. _____. NEW SECTION. 422.12F INCOME TAX
58 49 CHECKOFF FOR VOLUNTEER FIRE FIGHTER PREPAREDNESS.

58 50 1. A person who files an individual or a joint
59 1 income tax return with the department of revenue under
59 2 section 422.13 may designate one dollar or more to be
59 3 paid to the volunteer fire fighter preparedness fund
59 4 as created in section 100B.13. If the refund due on
59 5 the return or the payment remitted with the return is
59 6 insufficient to pay the additional amount designated
59 7 by the taxpayer to the volunteer fire fighter
59 8 preparedness fund, the amount designated shall be
59 9 reduced to the remaining amount of refund or the
59 10 remaining amount remitted with the return. The
59 11 designation of a contribution to the volunteer fire

59 12 fighter preparedness fund under this section is
59 13 irrevocable.

59 14 2. The director of revenue shall draft the income
59 15 tax form to allow the designation of contributions to
59 16 the volunteer fire fighter preparedness fund on the
59 17 tax return. The department of revenue, on or before
59 18 January 31, shall certify the total amount designated
59 19 on the tax return forms due in the preceding calendar
59 20 year and shall report the amount to the treasurer of
59 21 state. The treasurer of state shall credit the amount
59 22 to the volunteer fire fighter preparedness fund.
59 23 However, before a checkoff pursuant to this section
59 24 shall be permitted, all liabilities on the books of
59 25 the department of revenue and accounts identified as
59 26 owing under section 421.17 and the political
59 27 contribution allowed under section 68A.601 shall be
59 28 satisfied.

59 29 3. The department of revenue shall adopt rules to
59 30 administer this section.

59 31 4. This section is subject to repeal under section
59 32 422.12E.

59 33 Sec. ____ EFFECTIVE AND APPLICABILITY DATES.

59 34 1. The section of this division of this Act
59 35 amending section 422.12E, being deemed of immediate
59 36 importance, takes effect upon enactment.

59 37 2. The sections of this division of this Act
59 38 reenacting section 422.12A and enacting section
59 39 422.12F apply retroactively to tax years beginning on
59 40 or after January 1, 2004.

59 41 DIVISION ____
59 42 STATE TAX IMPLEMENTATION COMMITTEE

59 43 Sec. ____ STATE TAX IMPLEMENTATION COMMITTEE.

59 44 1. On or before July 1, 2004, the department of
59 45 revenue, in consultation with the department of
59 46 management, shall initiate and coordinate the
59 47 establishment of a state tax implementation committee.
59 48 The department of revenue and the department of
59 49 management shall provide staffing assistance to the
59 50 committee.

60 1 The state tax implementation committee shall
60 2 include four members of the general assembly, one each
60 3 appointed by the majority leader of the senate, the
60 4 speaker of the house of representatives, the minority
60 5 leader of the senate, and the minority leader of the
60 6 house of representatives. The committee shall also
60 7 include members appointed by the department of
60 8 revenue. One member shall be appointed to represent
60 9 each of the following:

- 60 10 a. The department of revenue.
- 60 11 b. The department of management.
- 60 12 c. Counties
- 60 13 d. Cities.
- 60 14 e. School districts.
- 60 15 f. Local assessors.
- 60 16 g. County auditors.
- 60 17 h. Commercial property taxpayers.
- 60 18 i. Industrial property taxpayers.
- 60 19 j. Residential property taxpayers.
- 60 20 k. Agricultural property taxpayers.
- 60 21 l. Chapter 437A taxpayers.

60 22 One additional stakeholder shall be appointed
60 23 jointly by the majority leader of the senate and the
60 24 speaker of the house of representatives.

60 25 Any vacancy shall be filled in the same manner as
60 26 regular appointments are made.

60 27 The chairpersons of the committee shall be those
60 28 members of the general assembly appointed by the
60 29 majority leader of the senate and the speaker of the
60 30 house of representatives.

60 31 The members of the committee representing the
60 32 department of revenue and the department of management
60 33 are nonvoting, ex officio members.

60 34 The committee shall meet quarterly and at other
60 35 times as necessary at the call of the chairpersons.
60 36 Written notice of the time and place of each meeting
60 37 shall be given to each member of the committee. The
60 38 only vote taken by the committee shall be the vote
60 39 approving the final report in subsection 2.

60 40 2. The committee shall review and analyze the
60 41 following:

- 60 42 a. Revenue sources available to local governments

60 43 and school districts, including taxes, payments in
60 44 lieu of property taxes, fees, state appropriations,
60 45 and federal moneys.

60 46 b. Revenue sources available to the state,
60 47 including taxes, fees, and federal moneys, and the
60 48 portion of state revenues annually appropriated, or
60 49 otherwise disbursed, to local governments.

60 50 c. Exemptions, credits, deductions, exclusions,
61 1 and other reductions in state or local taxes made
61 2 available, by state statute or local ordinance, to
61 3 state and local taxpayers; and state reimbursement of
61 4 any property tax credits and exemptions.

61 5 d. Services provided by local governments,
61 6 including those provided at the discretion of a local
61 7 government and those mandated by federal or state
61 8 statutes and regulations.

61 9 e. The role of property taxes in funding local
61 10 government services, the types of services currently
61 11 funded by property taxes, and the property tax
61 12 financing portion of the school funding formula.

61 13 f. Alternative systems of property taxation,
61 14 alternative procedures for protesting property
61 15 assessments, and various methods of controlling
61 16 property tax revenues and expenditures.

61 17 In conducting its review and analysis, the
61 18 committee shall study state and local taxes from the
61 19 standpoint of neutrality; competitiveness; simplicity;
61 20 stability; and equity, including maintenance of equity
61 21 among classes of taxpayers and among taxpayers within
61 22 the same class.

61 23 The committee may hold public hearings to allow
61 24 persons and organizations to be heard.

61 25 The committee shall submit a final report to the
61 26 general assembly no later than final adjournment of
61 27 the 2005 regular legislative session. The report
61 28 shall summarize the committee's activities to date,
61 29 analyze issues studied to date, and may include such
61 30 other information that the committee deems relevant
61 31 and necessary.

61 32 3. The committee may request from any state agency
61 33 or official the information and assistance as needed
61 34 to perform the review and analysis required in
61 35 subsection 2. A state agency or official shall
61 36 furnish the information or assistance requested within
61 37 the authority and resources of the state agency or
61 38 official. This subsection does not allow the
61 39 examination or copying of any public record required
61 40 by law to be kept confidential.

61 41 Sec. _____. FUTURE REPEAL. The section of this
61 42 division of this Act establishing the state tax
61 43 implementation committee is repealed effective June
61 44 30, 2005.

61 45 Sec. _____. 2003 Iowa Acts, First Extraordinary
61 46 Session, chapter 1, section 41, is repealed.

61 47 Sec. _____. EFFECTIVE DATE. This division of this
61 48 Act, being deemed of immediate importance, takes
61 49 effect upon enactment.

61 50 DIVISION ____
62 1 911 EMERGENCY

62 2 Sec. _____. Section 34A.1, Code 2003, is amended to
62 3 read as follows:
62 4 34A.1 PURPOSE.

62 5 The ~~legislature~~ general assembly finds that
62 6 enhanced 911 emergency telephone communication systems
62 7 and other emergency 911 notification devices further
62 8 the public interest and protect the health, safety,
62 9 and welfare of the people of Iowa. The purpose of
62 10 this chapter is to enable the orderly development,
62 11 installation, and operation of enhanced 911 emergency
62 12 telephone communication systems and other emergency
62 13 911 notification devices statewide. These systems are
62 14 to be operated under governmental management and
62 15 control for the public benefit.

62 16 Sec. _____. Section 34A.2, Code 2003, is amended to
62 17 read as follows:
62 18 34A.2 DEFINITIONS.

62 19 As used in this chapter, unless the context
62 20 otherwise requires:

62 21 1. "Access line" means ~~a local~~ an exchange access
62 22 line that has the ability to access ~~local~~ local dial tone
62 23 and reach a ~~local~~ public safety ~~agency~~ answering

62 24 point.

62 25 2. "Administrator" means the ~~E911~~ administrator
62 26 ~~appointed pursuant to section 34A.2A of the homeland~~
62 27 ~~security and emergency management division of the~~
62 28 ~~department of public defense.~~

62 29 3. ~~"Competitive local exchange service provider"~~
62 30 ~~means the same as defined in section 476.96.~~

62 31 4. "Emergency 911 notification device" means a
62 32 ~~product capable of accessing a public safety answering~~
62 33 ~~point through the 911 system.~~

62 34 ~~3- 5.~~ "Enhanced 911" or "E911" means a service
62 35 ~~which that~~ provides the user of a ~~public telephone~~
62 36 ~~system communications service with the ability to~~
62 37 reach a public safety answering point by dialing the
62 38 digits 911, and ~~which that~~ has the following
62 39 additional features:

62 40 a. Routes an incoming 911 call to the appropriate
62 41 public safety answering point ~~selected from the public~~
62 42 ~~safety answering points operating in a 911 service~~
62 43 ~~area.~~

62 44 b. Automatically ~~provides voice,~~ displays the
62 45 name, address ~~or location,~~ and telephone number of an
62 46 incoming 911 call and public safety agency servicing
62 47 the ~~address on a video monitor at the appropriate~~
62 48 ~~public safety answering point location.~~

62 49 ~~4- 6.~~ "Enhanced 911 service area" means the
62 50 geographic area to be serviced, or currently serviced
63 1 under an enhanced 911 service plan, provided that an
63 2 enhanced 911 service area must at minimum encompass
63 3 one entire county. The enhanced 911 service area may
63 4 encompass more than one county, and need not be
63 5 restricted to county boundaries.

63 6 ~~5- 7.~~ "Enhanced 911 service plan" means a plan
63 7 that includes the following information:

63 8 a. A description of the enhanced 911 service area.

63 9 b. A list of all public and private safety
63 10 agencies within the enhanced 911 service area.

63 11 c. The number of public safety answering points
63 12 within the enhanced 911 service area.

63 13 d. Identification of the agency responsible for
63 14 management and supervision of the enhanced 911
63 15 emergency ~~telephone~~ communication system.

63 16 e. A statement of estimated costs to be incurred
63 17 by the joint E911 service board ~~or the department of~~
63 18 ~~public safety,~~ including separate estimates of the
63 19 following:

63 20 (1) Nonrecurring costs, including, but not limited
63 21 to, public safety answering points, network equipment,
63 22 software, database, addressing, initial training, and
63 23 other capital and start-up expenditures, including the
63 24 purchase or lease of subscriber names, addresses, and
63 25 telephone information from the local exchange service
63 26 provider.

63 27 (2) Recurring costs, including, but not limited
63 28 to, network access fees and other telephone charges,
63 29 software, equipment, and database management, and
63 30 maintenance, including the purchase or lease of
63 31 subscriber names, addresses, and telephone information
63 32 from the local exchange service provider. Recurring
63 33 costs shall not include personnel costs for a public
63 34 safety answering point.

63 35 Funds deposited in an E911 service fund ~~shall be~~
63 36 ~~are~~ appropriated and ~~shall be~~ used for the payment of
63 37 costs ~~which that~~ are limited to nonrecurring and
63 38 recurring costs directly attributable to the provision
63 39 of 911 emergency telephone communication service and
63 40 may include costs for portable and vehicle radios,
63 41 communication towers and associated equipment, and
63 42 other radios and ~~associated~~ equipment permanently
63 43 located at the public safety answering point ~~and as~~
63 44 ~~directed by either the joint E911 service board or the~~
63 45 ~~department of public safety.~~ Costs do not include

63 46 expenditures for any other purpose, and specifically
63 47 exclude costs attributable to other emergency services
63 48 or expenditures for buildings or personnel, except for
63 49 the costs of personnel for database management and
63 50 personnel directly associated with addressing.

64 1 f. Current equipment operated by affected ~~local~~
64 2 ~~exchange service providers,~~ and central office
64 3 equipment and technology upgrades necessary for the
64 4 provider to implement enhanced 911 service within the

64 5 enhanced 911 service area ~~on or before July 1, 1992.~~
64 6 g. A schedule for implementation of the plan
64 7 throughout the E911 service area. The schedule may
64 8 provide for phased implementation. ~~However, a joint~~
~~64 9 911 service board may decide not to implement E911~~
~~64 10 service.~~
64 11 h. The number of telephone access lines capable of
64 12 access to 911 in the enhanced 911 service area.
64 13 i. The total property valuation in the enhanced
64 14 911 service area.
64 15 ~~6. "Enhanced 911 service surcharge" is a charge~~
~~64 16 set by the E911 service area operating authority and~~
~~64 17 assessed on each access line which physically~~
~~64 18 terminates within the E911 service area.~~
64 19 8. "Local exchange carrier" means the same as
64 20 defined in section 476.96.
64 21 ~~7. 9. "Local exchange service provider" means a~~
64 22 person vendor engaged in providing telecommunications
64 23 service between points within an exchange and includes
64 24 but is not limited to a competitive local exchange
64 25 service provider and a local exchange carrier.
64 26 10. "Program manager" means the E911 program
64 27 manager appointed pursuant to section 34A.2A.
64 28 ~~8. 11. "Provider" means a person vendor~~ 64 29 provides, or offers to provide, E911
equipment,
64 30 installation, maintenance, or exchange access services
64 31 within the enhanced 911 service area.
64 32 ~~9. 12. "Public or private safety agency" means a~~
64 33 unit of state or local government, a special purpose
64 34 district, or a private firm which provides or has the
64 35 authority to provide fire fighting, police, ambulance,
64 36 or emergency medical services, or hazardous materials
64 37 response.
64 38 ~~10. 13. "Public safety answering point" means a~~
64 39 ~~twenty-four hour local jurisdiction~~ twenty-four hour
64 40 public safety communications facility which that
64 41 receives enhanced 911 service calls and directly
64 42 dispatches emergency response services or relays calls
64 43 to the appropriate public or private safety agency.
64 44 14. "Wireless E911 phase 1" means a 911 call made
64 45 from a wireless device in which the wireless service
64 46 provider delivers the call-back number and address of
64 47 the tower that received the call to the appropriate
64 48 public safety answering point.
64 49 15. "Wireless E911 phase 2" means a 911 call made
64 50 from a wireless device in which the wireless service
65 1 provider delivers the call-back number and the
65 2 latitude and longitude coordinates of the wireless
65 3 device to the appropriate public safety answering
65 4 point.
65 5 16. "Wire-line E911 service surcharge" is a charge
65 6 set by the E911 service area operating authority and
65 7 assessed on each wire-line access line which
65 8 physically terminates within the E911 service area.
65 9 Sec. ____ Section 34A.2A, Code 2003, is amended to
65 10 read as follows:
65 11 34A.2A ADMINISTRATOR PROGRAM MANAGER ==
65 12 APPOINTMENT == DUTIES.
65 13 1. The administrator of the division of homeland
65 14 security and emergency management division of the
65 15 department of public defense shall appoint an E911
65 16 administrator program manager to administer this
65 17 chapter.
65 18 2. The E911 administrator program manager shall
65 19 act under the supervisory control of the administrator
65 20 of the division of homeland security and emergency
65 21 management division of the department of public
65 22 defense, and in consultation with the E911
65 23 communications council, and perform the duties
65 24 specifically set forth in this chapter and as assigned
65 25 by the administrator.
65 26 Sec. ____ Section 34A.3, Code 2003, is amended to
65 27 read as follows:
65 28 34A.3 JOINT 911 E911 SERVICE BOARD == 911 SERVICE
65 29 PLAN == IMPLEMENTATION == WAIVERS.
65 30 1. JOINT 911 E911 SERVICE BOARDS TO SUBMIT 65 31 PLANS.
65 32 a. The board of supervisors of each county shall
65 33 establish maintain a joint 911 E911 65 34 later than January 1, 1989.
65 35 (1) Each political subdivision of the state having
65 36 a public safety agency serving territory within the
65 37 county is entitled to voting membership on the joint

65 38 ~~911~~ E911 service board. Each private safety agency
65 39 operating within the area is entitled to nonvoting
65 40 membership on the board.
65 41 (2) A township ~~which that~~ does not operate its own
65 42 public safety agency, but contracts for the provision
65 43 of public safety services, is not entitled to
65 44 membership on the joint ~~911~~ E911 service board, but
65 45 its contractor is entitled to membership according to
65 46 the contractor's status as a public or private safety
65 47 agency.

65 48 b. The joint ~~911~~ E911 service board shall
~~65 49 maintain~~ an enhanced 911 service plan encompassing at
65 50 minimum the entire county, unless an exemption is
66 1 granted by the ~~administrator~~ program manager
66 2 permitting a smaller E911 service area.

66 3 (1) The ~~administrator~~ program manager may grant a
66 4 discretionary exemption from the single county minimum
66 5 service area requirement based upon ~~an E911~~ a joint
66 6 E911 service board's or other E911 service plan
66 7 operating authority's presentation of evidence which
66 8 supports the requested exemption if the ~~administrator~~
66 9 program manager finds that local conditions make
66 10 adherence to the minimum standard unreasonable or
66 11 technically infeasible, and that the purposes of this
66 12 chapter would be furthered by granting an exemption.
66 13 The minimum size requirement is intended to prevent
66 14 unnecessary duplication of public safety answering
66 15 points and minimize other administrative, personnel,
66 16 and equipment expenses. ~~An E911 service area must~~
~~66 17 encompass a geographically contiguous area. No~~
~~66 18 exemption shall be granted from the contiguous area~~
~~66 19 requirement.~~

66 20 (2) The ~~administrator~~ program manager may order
66 21 the inclusion of a specific territory in an adjoining
66 22 E911 service plan area to avoid the creation by
66 23 exclusion of a territory smaller than a single county
66 24 not serviced by surrounding E911 service plan areas
66 25 upon request of the joint ~~911~~ E911 service board
66 26 representing the territory.

66 27 c. The E911 service plan operating authority shall
66 28 submit proposed changes to the plan on or before
~~66 29 January 1, 1994~~, to all of the following:

66 30 a. (1) The ~~administrator~~ program manager ~~66 31~~ b. (2) Public and private safety
agencies in the
66 32 enhanced 911 service area.

66 33 c. (3) ~~Providers Local exchange service pr~~
~~66 34 affected by the enhanced 911 service plan.~~

~~66 35 An E911 joint service board that has a state-~~
~~66 36 approved service plan in place prior to July 1, 1993,~~
~~66 37 is exempt from the provisions of this section. The~~
~~66 38 administrator shall establish, by July 1, 1994, E911~~
~~66 39 service plans for those E911 joint service boards~~
~~66 40 which do not have a state-approved service plan in~~
~~66 41 place on or before January 1, 1994.~~

66 42 The administrator shall prepare a summary of the
66 43 plans submitted and present the summary to the
66 44 legislature on or before August 1, 1994.

66 45 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED
66 46 CIRCUMSTANCES.

66 47 a. The ~~administrator~~ program manager may extend 66 48 in whole or in part, the time
period for plan

~~66 49 implementation by issuing for implementation of an~~
~~66 50 enhanced 911 service plan beyond the scheduled plan of~~
~~67 1 implementation, by issuance of a compliance waiver.~~

67 2 b. The compliance waiver shall be based upon a
67 3 joint ~~911~~ E911 service board's presentation of
67 4 evidence which supports an extension if the
67 5 ~~administrator~~ program manager finds that local
67 6 conditions make implementation financially
67 7 unreasonable or technically infeasible by the
67 8 originally scheduled plan of implementation.

67 9 c. The compliance waiver shall be for a set period
67 10 of time, and subject to review and renewal or denial
67 11 of renewal upon its expiration.

67 12 d. The waiver may cover all or a portion of a 911
67 13 service plan's enhanced 911 service area to facilitate
67 14 phased implementation when possible.

67 15 e. The granting of a compliance waiver does not
67 16 create a presumption that the identical or similar
67 17 waiver will be extended in the future.

67 18 f. Consideration of compliance waivers shall be on

67 19 a case-by-case basis.
67 20 3. CHAPTER 28E AGREEMENT == ALTERNATIVE TO JOINT
67 21 ~~911~~ E911 SERVICE BOARD. A legal entity created
67 22 pursuant to chapter 28E by a county or counties, other
67 23 political divisions, and public or private agencies to
67 24 jointly plan, implement, and operate a countywide, or
67 25 larger, enhanced 911 service system may be substituted
67 26 for the joint ~~911~~ E911 service board required under
67 27 subsection 1.

67 28 An alternative legal entity created pursuant to
67 29 chapter 28E as a substitute for a joint ~~911~~ E911
67 30 service board, as permitted by this subsection, may be
67 31 created by either:

67 32 a. Agreement of the parties entitled to voting
67 33 membership on a joint ~~911~~ E911 service board.

67 34 b. Agreement of the members of a joint ~~911~~ E911
67 35 service board.

67 36 An alternative chapter 28E entity has all of the
67 37 powers of a joint ~~911~~ E911 service board and any
67 38 additional powers granted by the agreement. As used
67 39 in this chapter, "joint ~~911~~ E911 service board"
67 40 includes an alternative chapter 28E entity created for
67 41 that purpose, except as specifically limited by the
67 42 chapter 28E agreement or unless clearly provided
67 43 otherwise in this chapter. A chapter 28E agreement
67 44 related to E911 service shall permit the participation
67 45 of a private safety agency or other persons allowed to
67 46 participate in a joint ~~911~~ E911 service board, but the
67 47 terms, scope, and conditions of participation are
67 48 subject to the chapter 28E agreement.

67 49 4. PARTICIPATION IN JOINT E911 SERVICE BOARD
67 50 REQUIRED. A political subdivision or state agency
68 1 having a public safety agency within its territory or
68 2 jurisdiction shall participate in a joint E911 service
68 3 board and cooperate in ~~preparing~~ maintaining the E911
68 4 service plan.

68 5 Sec. _____. Section 34A.4, Code 2003, is amended to
68 6 read as follows:

68 7 34A.4 ~~REQUIRED CONVERSION REQUIREMENTS OF PAY~~
68 8 ~~TELEPHONES AND OTHER TELECOMMUNICATIONS DEVICES TO~~
68 9 ~~ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR OTHER~~
68 10 ~~CHARGE.~~

~~68 11 1. CONVERSION AND NOTICE REQUIRED. When an~~
~~68 12 enhanced 911 service system becomes operational or as~~
~~68 13 soon as feasible thereafter, each provider or other~~
~~68 14 owner or lessee of a pay station telephone to be~~
~~68 15 operated within the enhanced 911 service area shall do~~
~~68 16 the following:~~

~~68 17 a. Convert each telephone to permit a caller to~~
~~68 18 dial 911 without first inserting a coin or paying any~~
~~68 19 other charge.~~

~~68 20 b. Prominently display on each pay telephone a~~
~~68 21 notice advising callers to dial 911 in an emergency~~
~~68 22 and that deposit of a coin is not required.~~

~~68 23 2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE~~
~~68 24 AREA. After commencement of enhanced 911 service in~~
~~68 25 In an enhanced 911 service area, a person shall not~~
~~68 26 install or offer for use within the enhanced 911~~
~~68 27 service area a pay station telephone or other fixed~~
~~68 28 device unless the telephone or device is capable of~~
~~68 29 accepting making a 911 call without prior insertion of~~
~~68 30 a coin or payment of any other charge, and unless the~~
~~68 31 telephone or device displays notice of free 911~~
~~68 32 service.~~

68 33 Sec. _____. Section 34A.6, subsection 1, unnumbered
68 34 paragraph 1, Code 2003, is amended to read as follows:

68 35 Before a joint E911 service board may request
68 36 imposition of the surcharge by the ~~administrator~~
68 37 program manager, the board shall submit the following
68 38 question to voters, as provided in subsection 2, in
68 39 the proposed E911 service area, and the question shall
68 40 receive a favorable vote from a simple majority of
68 41 persons submitting valid ballots on the following
68 42 question within the proposed E911 service area:

68 43 Sec. _____. Section 34A.7, unnumbered paragraph 1,
68 44 Code 2003, is amended to read as follows:

68 45 When an E911 service plan is implemented, the costs
68 46 of providing E911 service within an E911 service area
68 47 are the responsibility of the joint E911 service board
68 48 and the member political subdivisions. Costs in
68 49 excess of the amount raised by imposition of the E911

68 50 service surcharge provided for under subsection 1,
69 1 shall be paid by the joint E911 service board from
69 2 such revenue sources allocated among the member
69 3 political subdivisions as determined by the joint E911
69 4 service board. Funding is not limited to the
69 5 surcharge, and surcharge revenues may be supplemented
69 6 by other permissible local and state revenue sources.
69 7 A joint ~~911~~ E911 service board shall not commit a
69 8 political subdivision to appropriate property tax
69 9 revenues to fund an E911 service plan without the
69 10 consent of the political subdivision. A joint ~~911~~
69 11 E911 service board may approve ~~a 911~~ an E911 service
69 12 plan, including a funding formula requiring
69 13 appropriations by participating political
69 14 subdivisions, subject to the approval of the funding
69 15 formula by each political subdivision. However, a
69 16 political subdivision may agree in advance to
69 17 appropriate property tax revenues or other moneys
69 18 according to a formula or plan developed by an
69 19 alternative chapter 28E entity.

69 20 Sec. _____. Section 34A.7, subsections 1, 2, 3, and
69 21 4, Code 2003, are amended to read as follows:

69 22 1. LOCAL WIRE=LINE E911 SERVICE SURCHARGE
69 23 IMPOSITION.

69 24 a. To encourage local implementation of E911
69 25 service, one source of funding for E911 emergency
69 26 telephone communication systems shall come from a
69 27 surcharge per month, per access line on each access
69 28 line subscriber, except as provided in subsection 5,
69 29 equal to the lowest amount of the following:

- 69 30 (1) One dollar.
- 69 31 (2) An amount less than one dollar, which would
69 32 fully pay both recurring and nonrecurring costs of the
69 33 E911 service system within five years from the date
69 34 the maximum surcharge is imposed.
- 69 35 (3) The maximum monetary limitation approved by
69 36 referendum.

69 37 b. The surcharge shall be imposed by order of the
69 38 ~~administrator~~ program manager as follows:

69 39 (1) The ~~administrator~~ program manager shall notify
69 40 a local exchange service provider scheduled to provide
69 41 exchange access line service to an E911 service area,
69 42 that implementation of an E911 service plan has been
69 43 approved by the joint ~~911~~ E911 service board and by
69 44 the service area referendum, and that collection of
69 45 the surcharge is to begin within one hundred days.

69 46 (2) ~~The notice shall be provided at least one~~
~~69 47 hundred days before the surcharge must be billed for~~
~~69 48 the first time program manager shall also provide~~
~~69 49 notice to all affected public safety answering points.~~

69 50 c. ~~The surcharge shall terminate at the end of~~
~~70 1 twenty-four months, unless either, or both, of the~~
~~70 2 following conditions is met:~~

- 70 3 (1) ~~E911 service is initiated for all or a part of~~
~~70 4 the E911 service area.~~
- 70 5 (2) ~~An extension is granted by the administrator~~
~~70 6 for good cause.~~

70 7 d. ~~The surcharge shall terminate at the end of~~
~~70 8 twenty-four months if the joint E911 service plan has~~
~~70 9 not been approved by the administrator within eighteen~~
~~70 10 months of the original notice to the provider to~~
~~70 11 impose the surcharge, and shall not be reimposed until~~
~~70 12 a service plan is approved by the administrator and~~
~~70 13 the administrator gives providers notice as required~~
~~70 14 by paragraph "a", subparagraphs (1) and (2).~~

70 15 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE
70 16 PROVIDERS.

70 17 a. The surcharge shall be collected as part of the
70 18 access line service provider's periodic billing to a
70 19 subscriber. In compensation for the costs of billing
70 20 and collection, the local exchange service provider
70 21 may retain one percent of the gross surcharges
70 22 collected. If the compensation is insufficient to
70 23 fully recover a local exchange service provider's
70 24 costs for billing and collection of the surcharge, the
70 25 deficiency shall be included in the local exchange
70 26 service provider's costs for ratemaking purposes to
70 27 the extent it is reasonable and just under section
70 28 476.6. The surcharge shall be remitted to the E911
70 29 service operating authority for deposit into the E911
70 30 service fund quarterly by the local exchange service

70 31 provider. The total amount for multiple exchanges may
70 32 be combined.

70 33 b. A local exchange service provider is not liable
70 34 for an uncollected surcharge for which the local
70 35 exchange service provider has billed a subscriber but
70 36 not been paid. The surcharge shall appear as a single
70 37 line item on a subscriber's periodic billing entitled,
70 38 "E911 emergency telephone service surcharge". The
70 39 E911 service surcharge is not subject to sales or use
70 40 tax.

70 41 c. The joint E911 service board may request, not
70 42 more than once each quarter, the following information
70 43 from the local exchange service provider:

70 44 (1) The identity of the exchange from which the
70 45 surcharge is collected.

70 46 (2) The number of lines to which the surcharge was
70 47 applied for the quarter.

70 48 (3) The number of refusals to pay per exchange if
70 49 applicable.

70 50 (4) Write-offs applied per exchange if applicable.

71 1 (5) The number of lines exempt per exchange.

71 2 (6) The amount retained by the local exchange

71 3 service provider generated from the one percent

71 4 administration fee.

71 5 d. Access line counts and surcharge remittances
71 6 are confidential public records as provided in section

71 7 34A.8.

71 8 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR
71 9 SURCHARGE. An individual subscriber shall not be
71 10 required to pay on a single periodic billing the
71 11 surcharge on more than one hundred access lines, or
71 12 their equivalent, in an E911 service area. A
71 13 subscriber shall pay the surcharge in each E911
71 14 service area in which the subscriber receives access
71 15 line service.

71 16 4. E911 SERVICE FUND. Each joint E911 service
71 17 board shall establish and maintain as a separate
71 18 account an E911 service fund. Any funds remaining in
71 19 the account at the end of each fiscal year shall not
71 20 revert to the general funds of the member political
71 21 subdivisions, except as provided in subsection 5, but
71 22 shall remain in the E911 service fund. Moneys in an
71 23 E911 service fund may only be used for nonrecurring
71 24 and recurring costs of the E911 service plan as
71 25 approved by the ~~administrator~~ program manager, as
71 26 those terms are defined by section 34A.2.

71 27 Sec. ____. Section 34A.7, subsection 5, paragraph
71 28 b, subparagraphs (2) and (3), Code 2003, are amended
71 29 to read as follows:

71 30 (2) If money remains in the fund after fully
71 31 paying for recurring costs incurred in the preceding
71 32 year, the remainder may be spent to pay for
71 33 nonrecurring costs, not to exceed actual nonrecurring
71 34 costs as approved by the ~~administrator~~ program
71 35 manager.

71 36 (3) If money remains in the fund after fully
71 37 paying obligations under subparagraphs (1) and (2),
71 38 the remainder may be accumulated in the fund as a
71 39 carryover operating surplus. If the surplus is
71 40 greater than twenty-five percent of the approved
71 41 annual operating budget for the next year, the
71 42 ~~administrator~~ program manager shall reduce the
71 43 surcharge by an amount calculated to result in a
71 44 surplus of no more than twenty-five percent of the
71 45 planned annual operating budget. After nonrecurring
71 46 costs have been paid, if the surcharge is less than
71 47 the maximum allowed and the fund surplus is less than
71 48 twenty-five percent of the approved annual operating
71 49 budget, the ~~administrator~~ program manager shall, upon
71 50 application of the joint E911 service board, increase
72 1 the surcharge in an amount calculated to result in a
72 2 surplus of twenty-five percent of the approved annual
72 3 operating budget. The surcharge may only be adjusted
72 4 once in a single year, upon one hundred days' prior
72 5 notice to the provider.

72 6 Sec. ____. Section 34A.7A, subsection 1, Code 2003,
72 7 is amended to read as follows:

72 8 1. a. Notwithstanding section 34A.6, the
72 9 administrator shall adopt by rule a monthly surcharge
72 10 of up to ~~fifty~~ sixty-five cents to be imposed on each
72 11 wireless communications service number provided in

72 12 this state. The surcharge shall be imposed uniformly
72 13 on a statewide basis and simultaneously on all
72 14 wireless communications service numbers as provided by
72 15 rule of the administrator.

72 16 b. The ~~administrator~~ program manager shall provide
72 17 no less than one hundred days' notice of the surcharge
72 18 to be imposed to each wireless communications service
72 19 provider. The ~~administrator~~ program manager, subject
72 20 to the ~~fifty sixty-five~~ cent limit in paragraph "a",
72 21 may adjust the amount of the surcharge as necessary,
72 22 but no more than once in any calendar year.

72 23 c. (1) The surcharge shall be collected as part
72 24 of the wireless communications service provider's
72 25 periodic billing to a subscriber. The surcharge shall
72 26 appear as a single line item on a subscriber's
72 27 periodic billing indicating that the surcharge is for
72 28 E911 emergency telephone service. In the case of
72 29 prepaid wireless telephone service, this surcharge
72 30 shall be remitted based upon the address associated
72 31 with the point of purchase, the customer billing
72 32 address, or the location associated with the mobile
72 33 telephone number for each active prepaid wireless
72 34 telephone that has a sufficient positive balance as of
72 35 the last days of the information, if that information
72 36 is available. The wireless E911 service surcharge is
72 37 not subject to sales or use tax.

72 38 (2) In compensation for the costs of billing and
72 39 collection, the wireless communications service
72 40 provider may retain one percent of the gross
72 41 surcharges collected.

72 42 (3) The surcharges shall be remitted quarterly by
72 43 the wireless communications service provider to the
72 44 ~~administrator~~ program manager for deposit into the
72 45 fund established in subsection 2.

72 46 (4) A wireless communications service provider is
72 47 not liable for an uncollected surcharge for which the
72 48 wireless communications service provider has billed a
72 49 subscriber but which has not been paid. ~~The surcharge~~
72 50 ~~shall appear as a single line item on a subscriber's~~
73 1 ~~periodic billing indicating that the surcharge is for~~
73 2 ~~E911 emergency telephone service. The E911 service~~
73 3 ~~surcharge is not subject to sales or use tax.~~

73 4 Sec. _____. Section 34A.7A, subsection 2, Code 2003,
73 5 is amended to read as follows:

73 6 2. Moneys collected pursuant to subsection 1 shall
73 7 be deposited in a separate wireless E911 emergency
73 8 communications fund within the state treasury under
73 9 the control of the ~~administrator~~ program manager.
73 10 Section 8.33 shall not apply to moneys in the fund.
73 11 Moneys earned as income, including as interest, from
73 12 the fund shall remain in the fund until expended as
73 13 provided in this section. Moneys in the fund shall be
73 14 expended and distributed ~~annually as follows in the~~
73 15 following priority order:

73 16 a. An amount as appropriated by the general
73 17 assembly to the administrator shall be allocated to
73 18 the administrator and program manager for
73 19 implementation, support, and maintenance of the
73 20 functions of the administrator and program manager and
73 21 to employ the auditor of state to perform an annual
73 22 audit of the wireless E911 emergency communications
73 23 fund.

73 24 b. The program manager shall allocate twenty-one
73 25 percent of the total amount of surcharge generated to
73 26 wireless carriers to recover their costs to deliver
73 27 E911 phase 1 services. If the allocation in this
73 28 paragraph is insufficient to reimburse all wireless
73 29 carriers for such carrier's eligible expenses, the
73 30 program manager shall allocate a prorated amount to
73 31 each wireless carrier equal to the percentage of such
73 32 carrier's eligible expenses as compared to the total
73 33 of all eligible expenses for all wireless carriers for
73 34 the calendar quarter during which such expenses were
73 35 submitted. When prorated expenses are paid, the
73 36 remaining unpaid expenses shall no longer be eligible
73 37 for payment under this paragraph.

73 38 c. The program manager shall reimburse wire-line
73 39 carriers on a calendar quarter basis for carriers'
73 40 eligible expenses for transport costs between the
73 41 selective router and the public safety answering
73 42 points related to the delivery of wireless E911 phase

73 43 1 services.

~~73 44 b. d. (1) The administrator shall retain
73 45 necessary to reimburse wireless carriers for their
73 46 costs to deliver E911 services. The administrator
73 47 shall assure that wireless carriers recover all
73 48 eligible costs associated with the implementation and
73 49 operation of E911 services, including but not limited
73 50 to hardware, software, and transport costs. The
74 1 administrator shall adopt rules defining eligible
74 2 costs which are consistent with federal law,
74 3 regulations, and any order of a federal agency program
74 4 manager shall reimburse wire-line carriers and third=
74 5 party E911 automatic location information database
74 6 providers on a calendar quarterly basis for the costs
74 7 of maintaining and upgrading the E911 components and
74 8 functionalities beyond the input to the E911 selective
74 9 router, including the E911 selective router and the
74 10 automatic location information database.~~

~~74 11 (2) The administrator shall provide for the
74 12 reimbursement of wireless carriers on a quarterly
74 13 basis. If the total amount of moneys available in the
74 14 fund for the reimbursement of wireless carriers
74 15 pursuant to subparagraph (1) is insufficient to
74 16 reimburse all wireless carriers for such carriers'
74 17 eligible expenses, the administrator shall remit an
74 18 amount to each wireless carrier equal to the
74 19 percentage of such carrier's eligible expenses as
74 20 compared to the total of all eligible expenses for all
74 21 wireless carriers for the calendar quarter during
74 22 which such expenses were submitted.~~

~~74 23 e. The program manager shall apply an amount up to
74 24 five hundred thousand dollars per calendar quarter to
74 25 any outstanding wireless E911 phase 1 obligations
74 26 incurred pursuant to this chapter prior to July 1,
74 27 2004.~~

~~74 28 f. (1) The program manager shall allocate an
74 29 amount up to one hundred fifty-nine thousand dollars
74 30 per calendar quarter equally to the joint E911 service
74 31 boards and the department of public safety that have
74 32 submitted an annual written request to the program
74 33 manager in a form approved by the program manager by
74 34 May 15 of each year. The program manager shall
74 35 allocate to each joint E911 service board and to the
74 36 department of public safety a minimum of one thousand
74 37 dollars per calendar quarter for each public safety
74 38 answering point within the service area of the
74 39 department of public safety or joint E911 service
74 40 board.~~

~~74 41 (2) Upon retirement of outstanding obligations
74 42 referred to in paragraph "e", the amount allocated
74 43 under this paragraph "f" shall be twenty-four percent
74 44 of the total amount of surcharge generated per
74 45 calendar quarter allocated as follows:~~

~~74 46 (a) Sixty-five percent of the total dollars
74 47 available for allocation shall be allocated in
74 48 proportion to the square miles of the service area to
74 49 the total square miles in this state.~~

~~74 50 (b) Thirty-five percent of the total dollars
75 1 available for allocation shall be allocated in
75 2 proportion to the wireless E911 calls taken at the
75 3 public safety answering point in the service area to
75 4 the total number of wireless E911 calls originating in
75 5 this state.~~

~~75 6 (c) Notwithstanding subparagraph subdivisions (a)
75 7 and (b), the minimum amount allocated to each joint
75 8 E911 service board and to the department of public
75 9 safety shall be no less than one thousand dollars for
75 10 each public safety answering point within the service
75 11 area of the department of public safety or joint E911
75 12 service board.~~

~~75 13 (3) The funds allocated in this paragraph "f"
75 14 shall be used for communication equipment located
75 15 inside the public safety answering points for the
75 16 implementation and maintenance of wireless E911 phase
75 17 2. The joint E911 service boards and the department
75 18 of public safety shall provide an estimate of phase 2
75 19 implementation costs to the program manager by January
75 20 1, 2005.~~

~~75 21 e. (1) The remainder of the surcharge collected
75 22 shall be remitted to the administrator for
75 23 distribution to the joint E911 service boards and the~~

~~75 24 department of public safety pursuant to subparagraph~~
~~75 25 (2) to be used for the implementation of enhanced~~
~~75 26 wireless communications capabilities.~~
75 27 g. If moneys remain in the fund after fully paying
75 28 all obligations under paragraphs "a" through "f", the
75 29 remainder may be accumulated in the fund as a
75 30 carryover operating surplus. This surplus shall be
75 31 used to fund future phase 2 network and public safety
75 32 answering point improvements and wireless carriers'
75 33 transport costs related to wireless E911 services, if
75 34 those costs are not otherwise recovered by wireless
75 35 carriers through customer billing or other sources and
75 36 approved by the program manager. Notwithstanding
75 37 section 8.33, any moneys remaining in the fund at the
75 38 end of each fiscal year shall not revert to the
75 39 general fund of the state but shall remain available
75 40 for the purposes of the fund.

75 41 (2) h. The administrator, in consultation with the
75 42 program manager and the E911 communications council,
75 43 shall adopt rules pursuant to chapter 17A governing
75 44 the distribution of the surcharge collected and
75 45 distributed pursuant to this lettered paragraph
75 46 subsection. The rules shall include provisions that
75 47 all joint E911 service boards and the department of
75 48 public safety which answer or service wireless E911
75 49 calls are eligible to receive an equitable portion of
75 50 the receipts.

76 1 A joint E911 service board or the department of
76 2 public safety, to receive funds from the wireless E911
76 3 emergency communications fund, must submit a written
76 4 request for such funds to the administrator in a form
76 5 as approved by the administrator. A request shall be
76 6 for funding under an approved E911 service plan for
76 7 equipment which is directly related to the reception
76 8 and disposition of incoming wireless E911 calls. The
76 9 administrator may approve the distribution of funds
76 10 pursuant to such request if the administrator finds
76 11 that the requested funding is for equipment necessary
76 12 for the reception and disposition of such calls and
76 13 that sufficient funds are available for such
76 14 distribution.

76 15 If insufficient funds are available to fund all
76 16 requests, the administrator shall fund requests in an
76 17 order deemed appropriate by the administrator after
76 18 considering factors including, but not limited to, all
76 19 of the following:

76 20 (a) Documented volume of wireless E911 calls
76 21 received by each public safety answering point.

76 22 (b) The population served by each public safety
76 23 answering point.

76 24 (c) The number of wireless telephones in the
76 25 public safety answering point jurisdiction.

76 26 (d) The public safety of the citizens of this
76 27 state.

76 28 (e) Any other factor deemed appropriate by the
76 29 administrator, in consultation with the E911
76 30 communications council, and adopted by rule.

76 31 (3) 2A. a. The administrator program mana
76 32 shall submit an annual report by January 15 of each
76 33 year to the legislative government oversight committee
76 34 advising the general assembly of the status of E911
76 35 implementation and operations, including both land-
76 36 line wire-line and wireless services, and the
76 37 distribution of surcharge receipts, and an accounting
76 38 of the revenues and expenses of the E911 program.

76 39 b. The program manager shall submit a calendar
76 40 quarter report of the revenues and expenses of the
76 41 E911 program to the fiscal services division of the
76 42 legislative services agency.

76 43 c. The legislative government oversight committee
76 44 shall review the priorities of distribution of funds
76 45 under this chapter at least every two years.

76 46 Sec. ____. Section 34A.7A, subsection 3, Code 2003,
76 47 is amended to read as follows:

76 48 3. The amount collected from a wireless service
76 49 provider and deposited in the fund, pursuant to
76 50 section 22.7, subsection 6, information provided by a
77 1 wireless service provider to the administrator program
77 2 manager consisting of trade secrets, pursuant to
77 3 section 22.7, subsection 3, and other financial or
77 4 commercial operations information provided by a

77 5 wireless service provider to the ~~administrator program~~
77 6 ~~manager~~, shall be kept confidential as provided under
77 7 section 22.7. This subsection does not prohibit the
77 8 inclusion of information in any report providing
77 9 aggregate amounts and information which does not
77 10 identify numbers of accounts or customers, revenues,
77 11 or expenses attributable to an individual wireless
77 12 communications service provider.

77 13 Sec. _____. Section 34A.8, subsection 2, unnumbered
77 14 paragraph 2, Code 2003, is amended to read as follows:

77 15 The ~~program manager~~, joint E911 service board, the
77 16 designated E911 ~~service~~ provider, and the public
77 17 safety answering point, their agents, employees, and
77 18 assigns shall use local exchange service information
77 19 provided by the local exchange service provider solely
77 20 for the purposes of providing E911 emergency telephone
77 21 service, and it shall otherwise be kept confidential.
77 22 A person who violates this section is guilty of a
77 23 simple misdemeanor.

77 24 Sec. _____. Section 34A.9, Code 2003, is amended to
77 25 read as follows:

77 26 34A.9 TELECOMMUNICATIONS DEVICES FOR THE ~~DEAF~~
77 27 ~~SPEECH AND HEARING=IMPAIRED~~.

77 28 ~~By January 1, 1990, each county~~ Each public safety
77 29 ~~answering point~~ shall provide for the installation and
77 30 use of ~~at least one~~ telecommunications ~~device~~ devices
77 31 for the ~~deaf at a public safety answering point~~ speech
77 32 ~~and hearing=impaired~~.

77 33 Sec. _____. NEW SECTION. 34A.10 E911 SELECTIVE
77 34 ROUTER.

77 35 On and after July 1, 2004, only the program manager
77 36 shall approve access to the E911 selective router.

77 37 Sec. _____. Section 34A.15, Code 2003, is amended by
77 38 adding the following new subsection:

77 39 NEW SUBSECTION. 1A. The auditor of state or the
77 40 auditor of state's designee shall serve as an ex
77 41 officio nonvoting member.

77 42 Sec. _____. Section 34A.15, subsection 2, Code 2003,
77 43 is amended to read as follows:

77 44 2. The council shall advise and make
77 45 recommendations to the administrator and program
77 46 manager regarding the implementation of this chapter.

77 47 Such advice and recommendations shall be provided on
77 48 issues at the request of the administrator or program
77 49 manager or as deemed necessary by the council.

77 50 Sec. _____. Section 16.161, unnumbered paragraph 1,
78 1 Code 2003, is amended to read as follows:

78 2 The authority shall assist the ~~administrator~~
78 3 program manager, appointed pursuant to section 34A.2A,
78 4 as provided in chapter 34A, subchapter II, and the
78 5 authority shall have all of the powers delegated to it
78 6 by a joint E911 service board or the department of
78 7 public defense in a chapter 28E agreement with respect
78 8 to the issuance and securing of bonds or notes and the
78 9 carrying out of the purposes of chapter 34A.

78 10 DIVISION ____
78 11 SEX OFFENDER REGISTRY

78 12 Sec. _____. Section 22.7, Code Supplement 2003, is
78 13 amended by adding the following new subsection:

78 14 NEW SUBSECTION. 48. Sex offender registry records
78 15 under chapter 692A, except as provided in section
78 16 692A.13.

78 17 Sec. _____. Section 229A.8A, subsection 4, Code
78 18 Supplement 2003, is amended to read as follows:

78 19 4. ~~For purposes of registering as a sex offender~~
78 20 ~~under chapter 692A, a person placed in the~~

78 21 ~~transitional release program shall be classified a~~
78 22 ~~"high-risk" sex offender and public notification shall~~
78 23 ~~be as provided in section 692A.13A, subsection 2. A~~
78 24 committed person who refuses to register as a sex
78 25 offender is not eligible for placement in a
78 26 transitional release program.

78 27 Sec. _____. Section 692A.13, Code Supplement 2003,
78 28 is amended by striking the section and inserting in
78 29 lieu thereof the following:

78 30 692A.13 AVAILABILITY OF RECORDS.

78 31 1. The department may provide relevant information
78 32 from the sex offender registry to the following:

78 33 a. A criminal or juvenile justice agency, an
78 34 agency of the state, any sex offender registry of
78 35 another state, or the federal government.

78 36 b. The general public through the sex offender
78 37 registry's web page, except that relevant information
78 38 about an offender who was under twenty years of age at
78 39 the time the offender committed a violation of section
78 40 709.4, subsection 2, paragraph "c", subparagraph (4),
78 41 shall not be disclosed on the web page.

78 42 c. The single contact repository established
78 43 pursuant to section 135C.33, in accordance with the
78 44 rules adopted by the department.

78 45 2. A criminal or juvenile justice agency may
78 46 provide relevant information from the sex offender
78 47 registry to the following:

78 48 a. A criminal or juvenile justice agency, an
78 49 agency of the state, or any sex offender registry of
78 50 another state, or the federal government.

79 1 b. The general public, including public and
79 2 private agencies, organizations, public places, public
79 3 and private schools, child care facilities, religious
79 4 and youth organizations, neighbors, neighborhood
79 5 associations, community meetings, and employers.
79 6 Registry information may be distributed to the public
79 7 through printed materials, visual or audio press
79 8 releases, or through a criminal or juvenile justice
79 9 agency's web page.

79 10 3. Any member of the public may contact a county
79 11 sheriff's office or police department to request
79 12 relevant information from the registry regarding a
79 13 specific person required to register under this
79 14 chapter. The request for information shall be in
79 15 writing, and shall include the name of the person and
79 16 at least one of the following identifiers pertaining
79 17 to the person about whom the information is sought:

79 18 a. The date of birth of the person.

79 19 b. The social security number of the person.

79 20 c. The address of the person.

79 21 4. A county sheriff shall also provide to any
79 22 person upon request access to a list of all
79 23 registrants in that county. However, records of a
79 24 person protected under 18 U.S.C. } 3521 shall not be
79 25 disclosed.

79 26 5. Relevant information provided to the general
79 27 public may include the offender's name, address, a
79 28 photograph, locations frequented by the offender,
79 29 relevant criminal history information from the
79 30 registry, and any other relevant information.
79 31 Relevant information provided to the public shall not
79 32 include the identity of any victim.

79 33 6. Notwithstanding sections 232.147 through
79 34 232.151, records concerning convictions which are
79 35 committed by a minor may be released in the same
79 36 manner as records of convictions of adults.

79 37 7. Sex offender registry records are confidential
79 38 records pursuant to section 22.7 and shall only be
79 39 released as provided in this section.

79 40 Sec. _____. Section 901.4, Code Supplement 2003, is
79 41 amended to read as follows:

79 42 901.4 PRESENTENCE INVESTIGATION REPORT
79 43 CONFIDENTIAL == DISTRIBUTION.

79 44 The presentence investigation report is
79 45 confidential and the court shall provide safeguards to
79 46 ensure its confidentiality, including but not limited
79 47 to sealing the report, which may be opened only by
79 48 further court order. At least three days prior to the
79 49 date set for sentencing, the court shall serve all of
79 50 the presentence investigation report upon the
80 1 defendant's attorney and the attorney for the state,
80 2 and the report shall remain confidential except upon
80 3 court order. However, the court may conceal the
80 4 identity of the person who provided confidential
80 5 information. The report of a medical examination or
80 6 psychological or psychiatric evaluation shall be made
80 7 available to the attorney for the state and to the
80 8 defendant upon request. The reports are part of the
80 9 record but shall be sealed and opened only on order of
80 10 the court. If the defendant is committed to the
80 11 custody of the Iowa department of corrections and is
80 12 not a class "A" felon, a copy of the presentence
80 13 investigation report shall be forwarded to the
80 14 director with the order of commitment by the clerk of
80 15 the district court and to the board of parole at the
80 16 time of commitment. Pursuant to section 904.602, the

80 17 presentence investigation report may also be released
80 18 by the department of corrections or a judicial
80 19 district department of correctional services to
80 20 another jurisdiction for the purpose of providing
80 21 interstate probation and parole compact services or
80 22 evaluations, or to a substance abuse or mental health
80 23 services provider when referring a defendant for
80 24 services. The defendant or the defendant's attorney
80 25 may file with the presentence investigation report, a
80 26 denial or refutation of the allegations, or both,
80 27 contained in the report. The denial or refutation
80 28 shall be included in the report. If the person is
80 29 sentenced for an offense which requires registration
80 30 under chapter 692A, the court shall release the report
80 31 to the department ~~which is responsible under section~~

~~80 32 692A.13A for performing the assessment of risk.~~

80 33 Sec. _____. Section 692A.13A, Code 2003, is
80 34 repealed.

80 35 Sec. _____. APPLICABILITY OF AVAILABLE RECORDS IN
80 36 THE SEX OFFENDER REGISTRY. Section 692A.13, as
80 37 amended by this division of this Act, shall apply
80 38 retroactively to all offenders on the registry.

80 39 Sec. _____. EFFECTIVE DATE. This division of this
80 40 Act, being deemed of immediate importance, takes
80 41 effect upon enactment.>

80 42 #____. Title page, by striking lines 1 through 3
80 43 and inserting the following: 80 44 reducing, and transferring appropriations, providing
80 45 for government and economic development-related
80 46 taxation, surcharge, and fee matters, providing for
80 47 other properly related matters, and including penalty
80 48 and effective and retroactive and other applicability
80 49 date provisions.>>

80 50 SF 2298.S

81 1 mg/cc/26